

Judith Pinborough Zimmerman, Ph. D. vs. University of Utah

Case No. 2:13cv1131



Deposition of: Judith Zimmerman

Date Taken: September 16, 2015

Alpine Court Reporting Locations in Salt Lake City and Provo 801-691-1000

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 2 of 57

Page 1	Page 2
Page 1	Page 2
IN THE UNITED STATE DISTRICT COURT FOR THE DISTRICT OF UTAH, CENTRAL DIVISION	1 APPEARANCES 2
	3 FOR THE PLAINTIFF: 4 HOLLINGSWORTH LAW OFFICE, LLC
JUDITH PINBOROUGH	BY: ASHLEY F. LEONARD, ESQ.
ZIMMERMAN, Ph.D.,	5 1115 South 900 East Salt Lake City, Utah 84105
Plaintiff,	6 Tele: 801-415-9909 Email: ashley@aprilhollingworthlaw.com
V. Case No. 2:13cv1131	7
UNIVERSITY OF UTAH,	FOR THE DEFENDANT: 8
 Defendant.	UTAH ATTORNEY GENERAL'S OFFICE 9 BY: YVETTE DONOSSO, ESQ.
	JEFFREY ROBINSON, ESQ. 10 160 East 300 South
	Sixth Floor 11 Salt Lake City, Utah 84114
DEPOSITION OF JUDITH ZIMMERMAN	Tele: 801-366-0100
TAKEN: September 16, 2015	12 Email: ydonosso@utah.gov jeffreyrobinson@utah.gov
9:11 a.m. to 5:59 p.m.	13 14
LOCATION: UTAH ATTORNEY GENERALS'S OFFICE	15
Heber Wells Building 160 East 300 South	16 17
Sixth Floor Salt Lake City, Utah 84114	18 19
Reported by: DONNA M. WARD, CSR, RPR	20
reported by. DONIVA M. WARD, CSR, RPR	21 22
	23 24
	25
Page 3	Page 4
1	1 F 1 7 2 00 T 44 11 14 A
INDEX	Exhibit 82 Letter addressed to Amy Henderson from Clyde
INDEX 2 WITNESS: Judith Zimmerman	Henderson from Clyde 2 Mason, dated November 9 2011
2	Henderson from Clyde 2 Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011100
WITNESS: Judith Zimmerman EXAMINATION BY PAGE	Henderson from Clyde Mason, dated November 9 2011
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde Mason, dated November 9 2011
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde Mason, dated November 9 2011
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde Mason, dated November 9 2011
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde Mason, dated November 9 2011
2 WITNESS: Judith Zimmerman 3 EXAMINATION BY PAGE 4 Mr. Donosso	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011
WITNESS: Judith Zimmerman	Henderson from Clyde Mason, dated November 9 2011

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 3 of 57

Page 5		Page 6
1 Exhibit 93 U of U IRB Privacy Concerns	09:07:07 1	Salt Lake City, Utah, September 16, 2015, 9:11 a.m.
Report Introduction 165	09:07:07 2	JUDITH ZIMMERMAN
2 Exhibit 94 IRB Report Completion Letter 167	09:07:07 3	was duly sworn, was examined and
3	09:07:07 4	testified as follows:
Exhibit 95 U of U IRB Privacy Concerns 4 Report Introduction	09:07:21 5	EXAMINATION
5 Exhibit 96 IRB Report Completion Letter 169	09:07:21 6	BY MS. DONOSSO:
6 Exhibit 97 E-mail chain between Judy	09:13:34 7	Q. Good morning. How are you?
Zimmerman and Susan Roberts Subject: Backup Responder 194	09:13:35 8	A. Fine.
8 Exhibit 98 Letter addressed to Judy	09:13:36 9	Q. So you're here this morning to have a
Zimmerman from Brian Nicholls 9 Dated July 22, 2013	09:13:37 10	deposition taken. You understand that you're under oath?
Exhibit 99 Letter addressed to Office of	09:13:42 11	A. Yes.
the Utah Attorney General from Lisa R. Peterson, Esq., dated	09:13:42 12	Q. And so before we get started, I just wanted
October 25, 2013	09:13:45 13	to give you some brief instructions. I know that you sat
12 Exhibit 100 Certificates of Completion of	09:13:50 14	through some of the other depositions, but I just wanted
13 Judy Zimmerman	09:13:53 15 09:13:56 16	to make sure that you understand. I'm not sure, have you
14 Exhibit 101 Concern Intake Form	09:13:57 17	ever had your deposition taken? A. No.
15 Exhibit 102 Curriculum Vitae of Judy Zimmerman	09:13:58 18	Q. So it's very important that you speak
16	09:14:01 19	clearly, as the court reporter is trying to take notes of
17 18	09:14:05 20	everything that we say; that you wait for me to finish
19	09:14:08 21	the question, so that if you're attorney wants to make an
20 21	09:14:14 22	objection, she can, or if you have a question or you
22	09:14:16 23	don't under my question, that you have time to do that as
23	09:14:20 24	well.
24 25	09:14:22 25	Obviously, although your attorney can enter
Page 7		Page 8
09:14:26 1 objections on the record, you are you do have to	09:15:47 1	A. Yes.
09:14:29 2 answer all of my questions unless something that I asked	09:15:48 2	Q. Approximately when did Dr. McMahon first
09:14:32 3 happens to be privileged, which I'm not going to ask you	09:15:53 3	start doing anything that you considered to be
09:14:36 4 anything that is privileged.	09:15:57 4	discriminating against you?
09:14:37 5 A. Okay.	09:16:01 5	A. During the hiring process.
09:14:38 6 Q. Is there anything did you take anything	09:16:04 6	Q. Okay. What did you consider to be
09:14:41 7 this morning? Are you under any substances that would	09:16:07 7	discriminating? So this would have been around 2005; is
09:14:43 8 prevent you from answering any of my questions truthfully	09:16:12 8	that correct?
09:14:47 9 this morning?	09:16:12 9	A. It would have been December 2005 through
09:14:47 10 A. No.	09:16:16 10	2006.
09:14:49 11 Q. Do you have any health issues that would	09:16:19 11	Q. But you were hired in 2005?
09:14:51 12 prevent you from answering my questions truthfully this	09:16:23 12	A. Yes.
09:14:55 13 morning?	09:16:24 13	Q. Okay. What was discriminating during the
09:14:56 14 A. Just nervous.	09:16:28 14	hiring process? Can you describe specifics?
09:14:56 15 Q. Yes, that is understandable. Okay, so I'm 09:15:02 16 going to hand what is a copy of the first amended	09:16:32 15 09:16:37 16	A. I was promised a faculty, assistant research faculty position and I didn't receive it.
09:15:02 16 going to hand what is a copy of the first amended 09:15:07 17 complaint in this matter. Do you recognize this	09:16:37 16	Q. Okay.
09:15:11 18 document?	09:16:41 18	A. In a timely manner.
09:15:11 19 documents	09:16:42 19	Q. How did he make these promises to you?
09:15:12 20 Q. Okay, and we'll begin the deposition this	09:16:47 20	A. How did he make these promises to you?
09:15:17 21 morning just by going through it. I would like you to	09:16:49 21	Q. Yes.
09:15:21 22 first turn to Paragraph 9, which is on Page 3. On about	09:16:50 22	A. Verbally and I was asked to provide outside
	09:16:58 23	letters, as well as inside letters, and Dr. Grosser
09:15:33 23 Line 3, it says, quote: "She was subjected to		· · · · · · · · · · · · · · · · · · ·
09:15:33 23 Line 3, it says, quote: "She was subjected to 09:15:40 24 long-standing discrimination by McMahon and the	09:17:06 24	indicated they would be processing me as a regular
	09:17:06 24 09:17:09 25	indicated they would be processing me as a regular faculty position.

		Page 9			Page 10
09:17:10	1	Q. Okay, so was anybody else present when you	09:18:42	1	Q. Okay.
09:17:16	2	had these discussions? So who did you have these	09:18:45	2	A. And his administrative assistant.
09:17:19	3	discussions with? Was it Dr. McMahon or was it Dr.	09:18:47	3	Q. So if this occurred back in 2005, why did you
09:17:26	4	Grosser?	09:19:01	4	wait until December 14th of 2012 to bring anything to the
09:17:26	5	A. It was it was files, personnel files that	09:19:09	5	attention of the OEO?
09:17:28	6	were going back and forth. I thought they were	09:19:11	6	A. I brought my concerns to other people long
09:17:32	7	processing it as an assistant research faculty position	09:19:15	7	before that.
09:17:37	8	from the beginning.	09:19:16	8	Q. Who did you bring those concerns to?
09:17:38	9	Q. Okay, so we have at the time Dr. Grosser was	09:19:18	9	A. So which concerns? I'm confused.
09:17:43	10	the chair, not Dr. McMahon		10	Q. You believed that you were discriminated
09:17:45	11	A. Right.		11	against during the hiring process.
	12	Q right? Okay, and so you provided and		12	A. Yes.
09:17:55		at the time did you provide all of the letters that were	09:19:27		Q. So why didn't you bring those concerns to
	14	required for you		14	anybody?
09:18:05	15	A. Yes.	09:19:32		A. I thought it had been processed that way.
	16	Q to be a research what was required for		16	Q. Okay.
09:18:17	17	you to be a research candidate?		17	A. I didn't know it hadn't been processed that
09:18:21	18	A. Yes.	09:19:40	18	way.
09:18:21	19	Q. Okay, and it's your testimony that, even		19	Q. But you subsequently got a letter in 2008?
	20	though you provided everything, the university didn't	09:19:54		A. Correct.
09:18:28	21	make you a research professor?	09:19:55	21	Q. That didn't make clear that you became a
09:18:31	22	A. I provided everything that was asked of me.	09:20:00	22	research professor until 2008?
09:18:34	23	Q. Okay. Who did you provide that to?		23	A. Say that again.
09:18:35	24	A. It went the documents I believe went to	09:20:04	24	Q. You didn't get your offer letter clarifying
09:18:40		Dr. Grosser's office.	09:20:09		that you became a research professor until 2008?
		2 0.0004.0 000.			,
		Page 11			Page 12
09:20:12	1	A. I did not, but I didn't know I was supposed	09:22:10	1	Q. So let me show what has been previously
09:20:16	2	to.	09:22:13	2	marked as Exhibit No. 9. Have you seen that letter
09:20:19	3	Q. Okay, so so so why did you think that	09:22:46	3	before?
09:20:31	4	you why did you think that what did you make of	09:23:01	4	A. Yes.
09:20:34	5	that letter that you got in 2008 that was your offer	09:23:02	5	Q. And what's the date on the top?
09:20:39	6	letter making you a research professor officially?	09:23:05	6	A. November 30th, 2008.
09:20:41	7	A. What did I make of it?	09:23:08	7	Q. And the letter says this letter offers you
09:20:43	8	Q. Yes, why did you think the university gave	09:23:16	8	a position as a research assistant professor; correct?
09:20:47	9	you a letter of 2008 clarifying that you were a research	09:23:20	9	A. Correct.
09:20:51	10	professor in 2008?	09:23:21	10	Q. It doesn't say this letter renews your
09:20:53	11	A. I thought it was because they changed	09:23:23	11	position as a research assistant professor; correct?
09:20:56	12	chairmans and he was just clarifying it and he was doing	09:23:28	12	A. No.
09:21:03	13	different parameters of the same position.	09:23:35	13	MR. ROBINSON: No, that's not correct or, no,
09:21:07	14	Q. But the letter made it very clear that you	09:23:37	14	it doesn't say that? The way the question was answered,
09:21:16	15	were that you were on an annual contract and that you	09:23:40	15	I think the answer may be, yes, that's correct.
09:21:21	16	were on a research track.	09:23:43	16	THE WITNESS: It was offering me a different
09:21:25	17	A. Yes.	09:23:46	17	position the same position with different benefits.
09:21:26	18	Q. Let's let me let's turn to that offer.	09:23:46	18	BY MS. DONOSSO:
09:21:31	19	A. But I already thought I was on a research	09:23:52	19	Q. Why was it offering you a different position?
09:21:35	20	track.	09:23:54	20	A. It was offering me a different position in
09:21:44	21	Q. Why would you need to be told that you were	09:23:57	21	terms of the salary and benefits.
09:21:45	22	on a research track if you were already on a research	09:24:01	22	Q. Actually it says this position will be
09:21:50	23	track?	09:24:05	23	contingent upon approval by our promotion, retention and
09:21:51	24	A. He was changing McMahon gave me benefits.	09:24:10	24	tenure committee. So how could it be a how could it
09:21:57	25	I had not had benefits before.	09:24:15	25	be renewing a position if it was contingent upon

	Page 13		Page 14
09:24:18 1	-	09:25:39 1	Q. But you didn't and, therefore, now it was
09:24:19 2	**	09:25:43 2	being corrected and you were beginning your term as a
09:24:23		09:25:46 3	research professor?
09:24:26		09:25:49 4	A. I don't understand your question.
09:24:29 5		09:25:51 5	Q. So when Dr. McMahon became chair, he
09:24:33		09:26:00 6	processed your appointment so that you would be a
09:24:38		09:26:03 7	research assistant professor and your term as a research
09:24:42 8	•	09:26:08 8	professor began and, therefore, that is why you got this
09:24:42	,	09:26:11 9	letter, this offer letter?
09:24:43 10		09:26:13 10	A. I saw it as only my term under McMahon as
09:24:46 11		09:26:17 11	chairman. I thought it had already been processed under
09:24:51 12		09:26:20 12	Grosser.
09:24:51 13		09:26:21 13	Q. Okay, but you understand that that's not what
09:24:56 14		09:26:25 14	this letter says?
09:25:02 15		09:26:30 15	A. All this says to me is this is an offer for
09:25:07 16		09:26:34 16	this one year.
09:25:10 17		09:26:35 17	Q. Okay. That's my next point. You understand
09:25:11 18	**	09:26:38 18	that this is for the initial year and that it's
09:25:16 19		09:26:41 19	renewable, that this also makes very clear that your
09:25:21 20		09:26:48 20	employment with the university was renewal year after
09:25:26 21	-	09:26:51 21	year. Was that clear to you based on this letter?
09:25:28 22		09:26:54 22	A. That was clear to me in 2005.
09:25:32 23	•	09:26:58 23	Q. So you understood that every year the
09:25:33 24		09:27:01 24	university would renew your contract every year?
09:25:36 25		09:27:04 25	A. What I didn't understand was why I was going
	Page 15		Page 16
09:27:08 1	through RPT if it was a yearly contract.	09:28:46 1	Q. Renewable year after year?
09:27:12 2	Q. But you understood that you were not a tenure	09:28:50 2	A. Correct.
09:27:15 3	professor; correct?	09:28:50 3	Q. Okay, so this provided you with the
09:27:16 4	A. Correct.	09:28:55 4	responsibilities associated with this position. Did you
09:27:16 5	Q. And you understood that you were on an annual	09:28:57 5	understand that?
09:27:19	contract?		understand that?
	contact:	09:28:57 6	A. Yes.
09:27:20 7			A. Yes.Q. Okay, and you understood this letter, this
09:27:20 7 09:27:20 8	A. Yes.	09:28:57 6	A. Yes.
	A. Yes. Q. Okay.	09:28:57 6 09:28:58 7	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent
09:27:20	A. Yes.Q. Okay.A. During this timeframe.	09:28:57 6 09:28:58 7 09:29:07 8	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will
09:27:20 8 09:27:22 9	A. Yes.Q. Okay.A. During this timeframe.Q. What do you mean by this timeframe? You were always on an annual contract.	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the
09:27:20 8 09:27:22 9 09:27:24 10 09:27:29 11 09:27:31 12	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its
09:27:20 8 09:27:22 9 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the
09:27:20 8 09:27:22 9 09:27:24 10 09:27:29 11 09:27:31 12	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter?
09:27:20 8 09:27:22 9 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13 09:27:43 14 09:27:47 15	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from
09:27:20 8 09:27:22 9 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13 09:27:43 14 09:27:47 15 09:27:51 16	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year.
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:43 14 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter,
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19 09:28:28 20	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:51 20	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you
09:27:20 8 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19 09:28:28 20 09:28:31 21	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest with me. 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:55 21	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you written notice otherwise. Did you see that in the
09:27:20 8 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19 09:28:28 20 09:28:31 21 09:28:31 22	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest with me. Q. But do you understand that the policy on this 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:55 21 09:29:57 22	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you written notice otherwise. Did you see that in the letter?
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19 09:28:28 20 09:28:31 21 09:28:31 22 09:28:36 23	 A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest with me. Q. But do you understand that the policy on this website would provide you the resources so that you would 	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:51 20 09:29:55 21 09:29:57 22 09:29:59 23	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you written notice otherwise. Did you see that in the letter? A. It's in the letter.
09:27:20 8 09:27:24 10 09:27:29 11 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:28 20 09:28:31 21 09:28:31 22 09:28:31 22 09:28:31 22 09:28:34 23	A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest with me. Q. But do you understand that the policy on this website would provide you the resources so that you would understand the terms of this offer letter?	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:55 21 09:29:57 22 09:29:59 23 09:30:02 24	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you written notice otherwise. Did you see that in the letter? A. It's in the letter. Q. Okay. Did you also see in Paragraph 4 where
09:27:20 8 09:27:22 9 09:27:24 10 09:27:31 12 09:27:36 13 09:27:47 15 09:27:51 16 09:27:52 17 09:27:53 18 09:28:22 19 09:28:28 20 09:28:31 21 09:28:31 22 09:28:36 23	A. Yes. Q. Okay. A. During this timeframe. Q. What do you mean by this timeframe? You were always on an annual contract. A. I never got a contract after this year. Q. Well, because you were a probationary employee, right, for the seven-year period that you were there. Did you ever go look at this policy that was cited in this offer letter? A. No. Q. Okay, so let me go and why didn't you go look at the policy in this website? A. I trusted that the university would be honest with me. Q. But do you understand that the policy on this website would provide you the resources so that you would understand the terms of this offer letter?	09:28:57 6 09:28:58 7 09:29:07 8 09:29:13 9 09:29:16 10 09:29:19 11 09:29:24 12 09:29:27 13 09:29:32 14 09:29:33 15 09:29:37 16 09:29:40 17 09:29:43 18 09:29:47 19 09:29:51 20 09:29:55 21 09:29:57 22 09:29:59 23	A. Yes. Q. Okay, and you understood this letter, this offer letter, specified, quote: "Your appointment will be subsequently renewed each year thereafter contingent on your progress and the availability of funds for the successive terms of one years, unless either you or the university gives you written notice for the other of its intent not to renew your appointment." Did you see that, that statement in the letter? A. I see that. What I what I understood from this is that it was a one year contract only and that I would get a contract the following year. Q. But according to the terms of the letter, unless the contract wasn't renewed, they didn't need to give you a letter year after year, unless they gave you written notice otherwise. Did you see that in the letter? A. It's in the letter.

	Page 17		Page 18
09:30:16 1	be required to comply with all applicable policies and	09:33:28 1	Q. Okay. After receiving this offer letter back
09:30:19 2	procedures of the university"?	09:33:35 2	
09:30:20 3	A. Yes.	09:33:43 3	
09:30:20 4	Q. Okay, and also where it states: "University	09:33:48 4	
09:30:27 5	policies are available online," and it references the	09:33:51 5	•
09:30:35 6	manuals and references the site where you can go as an	09:33:55 6	-
09:30:39 7	employee and review those?	09:33:59 7	
09:30:41 8	A. Yes.	09:34:07 8	
09:31:56 9	Q. Okay.	09:34:11 9	
09:31:56 10	(Whereupon Exhibit 73 was marked for identification.)	09:34:11 10	A. I asked if I could appeal the review in 2011
09:31:56 11	BY MS. DONOSSO:	09:34:17 11	and was denied any opportunity to appeal it.
09:31:58 12	Q. Do you recognize this document?	09:34:20 12	Q. That wasn't my question, ma'am. Did you ever
09:31:59 13	A. No.	09:34:25 13	
09:31:59 14	Q. Okay, so this is the university's policy that	09:34:32 14	website of the university
09:32:06 15	explains research track appointments and I'll give you an	09:34:34 15	-
09:32:19 16	opportunity to review it, since you've never seen it	09:34:34 16	Q. Okay. Thanks.
09:32:22 17	before.	09:34:36 17	MR. ROBINSON: You might want to just finish
09:32:49 18	A. Okay.	09:34:40 18	
09:32:49 19	Q. Okay. In the middle of Paragraph 1 where it	09:34:42 19	•
09:33:00 20	says research track, do you see where it states: "Annual	09:34:44 20	
09:33:09 21	reappointment reviews are conducted until the faculty	09:34:44 21	THE WITNESS: Okay.
09:33:14 22	member has completed a probationary period of seven years	09:34:48 22	
09:33:19 23	if initially appointed as a research instructor or	09:34:49 23	-
09:33:22 24	research assistant professor." Did you see that part?	09:34:49 24	Q. Yeah, and my question was: Or did you ever
09:33:26 25	A. I see it.	09:34:50 25	
	Page 19		Page 20
09:34:54 1	Page 19 policies that are applicable for research track assistant	09:37:27 1	Page 20 A. Not at this point.
09:34:54 1 09:35:00 2	-	09:37:27 1 09:37:28 2	_
	policies that are applicable for research track assistant		A. Not at this point.
09:35:00 2	policies that are applicable for research track assistant professors?	09:37:28 2	A. Not at this point.Q. Okay. Was there anybody present when he made
09:35:00 2 09:35:00 3	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up	09:37:28 2 09:37:31 3	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations?
09:35:00 2 09:35:00 3 09:35:07 4	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the	09:37:28 2 09:37:31 3 09:37:32 4	A. Not at this point.Q. Okay. Was there anybody present when he made those allegations?A. Not that I recall.
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews.	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you?
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:43 7	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a).	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:43 7 09:37:45 8	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there.
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page?	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:43 7 09:37:45 8 09:37:48 9	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there?
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:43 7 09:37:45 8 09:37:48 9 09:37:49 10	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:43 7 09:37:45 8 09:37:48 9 09:37:49 10 09:37:52 11	 A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like.
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:48 9 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department?
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion.	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand.
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department?
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department.
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:30 14 09:36:38 15 09:36:42 16 09:36:47 17	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16 09:36:47 17 09:36:54 18	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:57 15 09:38:03 16 09:38:04 17 09:38:14 18	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the health department?
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16 09:36:47 17 09:36:54 18 09:36:58 19	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph are?	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17 09:38:14 18 09:38:15 19 09:38:19 21	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16 09:36:47 17 09:36:54 18 09:36:58 19 09:36:59 20	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph are? A. McMahon told me he thought I had PTSD.	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17 09:38:14 18 09:38:15 19 09:38:19 20	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the health department? A. And specific to an individual he worked with as a physician.
09:35:00 2 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16 09:36:47 17 09:36:54 18 09:36:54 18 09:36:58 19 09:36:59 20	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph are? A. McMahon told me he thought I had PTSD. Q. When did he tell you that?	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17 09:38:14 18 09:38:15 19 09:38:19 21	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the health department? A. And specific to an individual he worked with
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:07 10 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:38 15 09:36:42 16 09:36:42 16 09:36:54 18 09:36:54 18 09:36:59 20 09:37:05 21 09:37:06 22	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph are? A. McMahon told me he thought I had PTSD. Q. When did he tell you that? A. Early on. I would say in the first two years	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17 09:38:14 18 09:38:15 19 09:38:15 19 09:38:19 20 09:38:19 21	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the health department? A. And specific to an individual he worked with as a physician. Q. Okay. Did he say anything else regarding that?
09:35:00 2 09:35:00 3 09:35:07 4 09:35:11 5 09:35:16 6 09:35:46 7 09:36:02 8 09:36:06 9 09:36:14 11 09:36:22 12 09:36:26 13 09:36:30 14 09:36:30 14 09:36:31 15 09:36:42 16 09:36:47 17 09:36:54 18 09:36:58 19 09:36:59 20 09:37:05 21 09:37:06 22 09:37:13 23	policies that are applicable for research track assistant professors? A. No. Can I rephrase that? I did look it up but I was confused by it in that I didn't feel like the department had been following policy with regard to annual reviews. Q. Okay. Going back to the complaint in Page 4 beginning with Paragraph 9(a). A. What page? Q. Page 4, going back to this allegation of long-standing discrimination, I want to break it down more specifically, because in that paragraph you alleged that you believed there was long-standing discrimination regarding your age, perceived disability and religion. In Subparagraph A you alleged that Dr. McMahon regarded you as having one or more mental disorders or emotional illnesses. Can you can you tell me what the basis of your allegations or statements regarding that paragraph are? A. McMahon told me he thought I had PTSD. Q. When did he tell you that? A. Early on. I would say in the first two years that I worked there.	09:37:28 2 09:37:31 3 09:37:32 4 09:37:33 5 09:37:41 6 09:37:45 8 09:37:45 8 09:37:49 10 09:37:52 11 09:37:54 12 09:37:57 13 09:37:57 14 09:37:59 15 09:38:03 16 09:38:04 17 09:38:14 18 09:38:15 19 09:38:15 19 09:38:19 20 09:38:19 21 09:38:21 22 09:38:23 23	A. Not at this point. Q. Okay. Was there anybody present when he made those allegations? A. Not that I recall. Q. So all he said was I think you have PTSD or can you be more specific about what he said to you? A. He was talking about the health department and a physician that worked there. Q. That you worked there? A. That worked at the health department that he did not like. Q. Who worked who worked at the health department? A. Pardon? Q. That you had worked at the health department? I'm sorry, I don't understand. A. McMahon indicated he thought I had PTSD from working with the health department. Q. Okay, so from your previous employment at the health department? A. And specific to an individual he worked with as a physician. Q. Okay. Did he say anything else regarding

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 7 of 57

		Page 21			Page 22
09:38:35	1	physician.	09:39:55	1	MR. ROBINSON: If I understood correctly, you
09:38:36	2	Q. So he was making derogatory comments about	09:39:58	2	only had one conversation with Dr. McMahon where he said
09:38:40	3	somebody else?	09:40:01	3	something about you having PTSD. There were other
09:38:41	4	A. Yes, and saying I had PTSD as a result of	09:40:05	4	conversations that you had where he made comments about
09:38:46	5	working with that physician.	09:40:08	5	other people; is that correct?
09:38:47	6	Q. Okay. Did he make those kind of comments	09:40:10	6	THE WITNESS: Correct.
09:38:58	7	throughout your entire tenure at the Department of	09:40:11	7	MR. ROBINSON: Okay, so the only conversation
09:39:04	8	Psychiatry?	09:40:13	8	you had with Dr. McMahon about you having PTSD was
09:39:04	9	A. He made comments routinely about individuals	09:40:17	9	sometime in the 2005-2007 timeframe; is that correct?
09:39:10	10	he didn't like.	09:40:28	10	THE WITNESS: No, there were there was a
09:39:12	11	Q. Did those and, again, was anybody else	09:40:31	11	couple other times he alluded to the fact.
09:39:21	12	present when he made those comments?	09:40:37	12	MR. ROBINSON: Alluded to it or said it?
09:39:23	13	A. About you mean this one incidence with the	09:40:39	13	THE WITNESS: Just alluded.
09:39:28	14	about the person at the health department?	09:40:42	14	MR. ROBINSON: So we may want to explore
09:39:30	15	Q. Any of those incidences regarding allegations	09:40:45	15	that, but go ahead, Yvette, and I just needed to clarify
09:39:34	16	involving PTSD.	09:40:49	16	that for me.
09:39:36	17	A. No, he did those in private.	09:40:49	17	BY MS. DONOSSO:
09:39:40	18	Q. Okay, and how often would they occur?	09:40:50	18	Q. And regarding that statement regarding you
09:39:43	19	A. Which? The PTSD?	09:40:56	19	and PTSD, did you ever tell anybody about this incidence?
09:39:50	20	Q. Yes.	09:41:10	20	A. I told I told Tom Parks that that as a
09:39:51	21	A. The mental illness?	09:41:29	21	faculty member, the chairman was making mental health
09:39:51	22	MR. ROBINSON: May I just clarify something?	09:41:34	22	diagnoses about people he did not like.
09:39:51	23	THE WITNESS: Yes.	09:41:36	23	Q. Did he actually did you actually feel like
09:39:52	24	MR. ROBINSON: I'm really confused.	09:41:41	24	he had diagnosed you? Because what was the actual
09:39:54	25	THE WITNESS: Me too.	09:41:44	25	statement that he made to you?
		Page 23			Page 24
09:41:46	1	A. You have PTSD.	09:43:57	1	BY MS. DONOSSO:
09:41:51	2	Q. Okay. How many times did he say that to you?	09:43:58	2	Q. With respect to the disability?
09:41:57	3	A. He talked constantly about my former boss at	09:44:00	3	A. He I was hurt in an accident and he
09:42:01	4	the heath department and how much he didn't like her and	09:44:07	4	laughed when he saw that I was hurt.
09:42:05	5	how difficult she was to work with.	00 44 10	5	
	6		09:44:10	•	Q. What kind of accident was this?
09:42:08		Q. Okay, so this was in reference to your former	09:44:12	6	A. It was a boating accident.
09:42:11	7	boss, this wasn't necessarily a derogatory comment about	09:44:12 09:44:17	6	A. It was a boating accident.Q. And how were you hurt in this boating
09:42:11 09:42:19	8	boss, this wasn't necessarily a derogatory comment about you?	09:44:12 09:44:17 09:44:22	6 7 8	A. It was a boating accident. Q. And how were you hurt in this boating accident?
09:42:11 09:42:19 09:42:19	8 9	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly	09:44:12 09:44:17 09:44:22 09:44:22	6 7 8 9	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very
09:42:11 09:42:19 09:42:19 09:42:25	8 9 10	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her.	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27	6 7 8 9	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well.
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32	8 9 10 11	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:27	6 7 8 9 10	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40	8 9 10 11 12	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way?	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:27 09:44:31	6 7 8 9 10 11	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42	8 9 10 11 12 13	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:27 09:44:31	6 7 8 9 10 11 12 13	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42	8 9 10 11 12 13	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department.	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:31 09:44:35 09:44:38	6 7 8 9 10 11 12 13	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident?
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49	8 9 10 11 12 13 14 15	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:31 09:44:35 09:44:38	6 7 8 9 10 11 12 13 14	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me.
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:49 09:42:52 09:43:08	8 9 10 11 12 13 14 15	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:38	6 7 8 9 10 11 12 13 14 15	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you?
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14	8 9 10 11 12 13 14 15 16	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD?	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:38 09:44:39	6 7 8 9 10 11 12 13 14 15 16	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches.
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14	8 9 10 11 12 13 14 15 16 17	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:42 09:44:46	6 7 8 9 10 11 12 13 14 15 16 17	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were
09:42:11 09:42:19 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:25 09:43:30	8 9 10 11 12 13 14 15 16 17 18	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department.	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:42 09:44:46	6 7 8 9 10 11 12 13 14 15 16 17 18	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches?
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:25 09:43:30	8 9 10 11 12 13 14 15 16 17 18 19 20	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would	09:44:12 09:44:17 09:44:22 09:44:22 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:42 09:44:46 09:44:50	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes.
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:30 09:43:34 09:43:38	8 9 10 11 12 13 14 15 16 17 18 19 20 21	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would be stressful to work with the health department	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:42 09:44:42 09:44:50 09:44:50	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes. Q. And you think that that's related to the
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:30 09:43:34 09:43:38	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would be stressful to work with the health department A. I don't recall anything else at this point.	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:42 09:44:40 09:44:50 09:44:50 09:44:51	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes. Q. And you think that that's related to the comment regarding PTSD?
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:30 09:43:30 09:43:34 09:43:34 09:43:44	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would be stressful to work with the health department A. I don't recall anything else at this point. Q. Okay. Did he ever call you derogatory names?	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:40 09:44:50 09:44:51 09:44:54 09:44:54	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes. Q. And you think that that's related to the comment regarding PTSD? A. I think it's related to how he views people
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:30 09:43:34 09:43:34 09:43:42 09:43:44 09:43:55	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would be stressful to work with the health department A. I don't recall anything else at this point. Q. Okay. Did he ever call you derogatory names? MR. ROBINSON: With respect to the	09:44:12 09:44:22 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:40 09:44:50 09:44:51 09:44:52 09:44:54 09:44:58 09:45:02	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes. Q. And you think that that's related to the comment regarding PTSD? A. I think it's related to how he views people with disabilities.
09:42:11 09:42:19 09:42:25 09:42:32 09:42:40 09:42:42 09:42:49 09:42:52 09:43:08 09:43:14 09:43:30 09:43:34 09:43:34 09:43:44	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	boss, this wasn't necessarily a derogatory comment about you? A. In that he did not let it go. He constantly talked about her. I mean, frequently talked about her. Q. Okay. Did this adversely affect your employment in any way? A. Yes, because I still had to try and work cooperatively with the health department. Q. Okay. Did you did he ever make any derogatory comments about you because of his perception of you having PTSD? A. He alluded to the fact that it would be very stressful to continue working with the health department. Q. Other than alluding to the fact that it would be stressful to work with the health department A. I don't recall anything else at this point. Q. Okay. Did he ever call you derogatory names?	09:44:12 09:44:17 09:44:22 09:44:27 09:44:27 09:44:31 09:44:35 09:44:38 09:44:39 09:44:40 09:44:50 09:44:51 09:44:54 09:44:54	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. It was a boating accident. Q. And how were you hurt in this boating accident? A. I wrenched my knee and I couldn't walk very well. Q. How would how did you why would he laugh because you got hurt? I don't understand why you thought he laughed because you got hurt. I mean, was he there during the accident? A. When he saw me. Q. When he saw you? A. Afterwards, when I came to work on crutches. Q. You think he laughed at you because you were on crutches? A. Yes. Q. And you think that that's related to the comment regarding PTSD? A. I think it's related to how he views people

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 8 of 57

		Page 25			Page 26
09:45:07	1	A. That is my perception.	09:46:45	1	goes through a serious surgery, injury, that they may
09:45:10	2	Q. Okay. Other than other than your	09:46:56	2	have
09:45:13	3	perception of him laughing when he saw you on crutches,	09:46:59	3	MR. ROBINSON: I apologize from interrupting.
09:45:17	4	is there anything else regarding Paragraph 9(a) where you	09:47:01	4	I understand what you're trying to tell me, but the
09:45:26	5	thought he made any kind of comment that you considered	09:47:04	5	question was: That didn't have anything to do with PTSD,
09:45:33	6	inappropriate regarding his views on this alleged mental	09:47:08	6	and you said, no, and I believe what you really meant to
09:45:41	7	disorder?	09:47:12	7	say was yes. Because sometimes we ask questions in a
09:45:42	8	A. I did, you know, not in terms of mental	09:47:15	8	double negative way.
09:45:46	9	disorder, but I did have a surgery and asked if they	09:47:17	9	THE WITNESS: I know.
09:45:51	10	could give an accommodation and if I could listen into a	09:47:18	10	MR. ROBINSON: And the answer is really yes
09:45:55	11	meeting, an annual departmental meeting by the phone, and	09:47:19	11	rather than no. Were you agreeing with the statement,
09:46:00	12	he said no.	09:47:24	12	with the question or were you disagreeing with the
09:46:02	13	Q. When did that occur?	09:47:26	13	question?
09:46:04	14	A. That occurred good question. Around 2012.	09:47:27	14	THE WITNESS: It could be related to PTSD. I
09:46:16	15	Q. Okay, but that has nothing to do with PTSD or	09:47:35	15	have gone through a traumatic event and he did not
09:46:22	16	a mental disorder?	09:47:39	16	accommodate for that.
09:46:26	17	A. Not necessarily, no.	09:47:44	17	MR. ROBINSON: But the surgery and the
09:46:28	18	Q. Okay.	09:47:49	18	accommodations doesn't relate to PTSD; is that correct?
09:46:29	19	MR. ROBINSON: That's a not necessarily yes.	09:47:53	19	THE WITNESS: No.
09:46:32	20	THE WITNESS: Not necessarily yes either.	09:47:54	20	MR. ROBINSON: That is not correct.
09:46:34	21	MR. ROBINSON: I think the way the question	09:47:57	21	THE WITNESS: I'm confused. I'm confused.
09:46:35	22	is phrased, that was really the response you wanted to	09:48:00	22	I'm saying that that the surgery was traumatic.
09:46:38	23	make; right? Yes, it doesn't have anything to do with	09:48:06	23	MR. ROBINSON: I get that. I understand
09:46:40	24	PTSD necessarily.	09:48:09	24	you're saying the surgery was traumatic, but surgery for
09:46:42	25	THE WITNESS: I think that any time someone	09:48:12	25	something, for a physical issue, doesn't relate to the
		Page 27			Page 28
09:48:17	1	comment that you say Dr. McMahon made back in the	09:50:56	1	A. I've seen it before.
09:48:22	2	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right?	09:50:57	2	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would
09:48:22 09:48:27	2	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I	09:50:57 09:51:02	2	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month
09:48:22 09:48:27 09:48:29	2 3 4	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department?	09:50:57 09:51:02 09:51:07	2 3 4	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD
09:48:22 09:48:27 09:48:29 09:48:33	2 3 4 5	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No.	09:50:57 09:51:02 09:51:07 09:51:10	2 3 4 5	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33	2 3 4 5 6	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you.	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15	2 3 4 5	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33	2 3 4 5 6 7	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO:	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18	2 3 4 5 6 7	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:33	2 3 4 5 6 7 8	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21	2 3 4 5 6 7 8	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:33 09:48:50	2 3 4 5 6 7 8	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger,	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:24	2 3 4 5 6 7 8	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule?
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59	2 3 4 5 6 7 8 9	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:24 09:51:27	2 3 4 5 6 7 8 9	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No.
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03	2 3 4 5 6 7 8 9 10	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:24 09:51:27	2 3 4 5 6 7 8 9 10	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail?
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03	2 3 4 5 6 7 8 9 10 11	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university?	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30	2 3 4 5 6 7 8 9 10 11	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I
09:48:22 09:48:29 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:07	2 3 4 5 6 7 8 9 10 11 12 13	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:24 09:51:27 09:51:30 09:51:40	2 3 4 5 6 7 8 9 10 11 12 13	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and
09:48:22 09:48:29 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:07 09:49:10	2 3 4 5 6 7 8 9 10 11 12 13 14	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time.	09:50:57 09:51:02 09:51:07 09:51:10 09:51:15 09:51:18 09:51:21 09:51:24 09:51:27 09:51:30 09:51:40 09:51:50	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours
09:48:22 09:48:29 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:07 09:49:10 09:49:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request?	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:51:56	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was
09:48:22 09:48:29 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:07 09:49:10 09:49:10 09:49:11 09:49:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No.	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:51:56 09:52:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule.
09:48:22 09:48:27 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:07 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:40 09:51:50 09:51:56 09:52:00 09:52:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page?
09:48:22 09:48:27 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:07 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:30 09:51:40 09:51:56 09:52:00 09:52:05 09:52:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh.
09:48:22 09:48:27 09:48:33 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:07 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32 09:50:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:30 09:51:50 09:52:00 09:52:00 09:52:08 09:52:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:20 09:49:32 09:50:23	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:30 09:51:50 09:52:00 09:52:00 09:52:08 09:52:08 09:52:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:50 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32 09:50:23 09:50:26	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan Hogge, although you were cc'd on it. You were cc'd on it	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:51:50 09:52:00 09:52:00 09:52:08 09:52:08 09:52:20 09:52:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not related to autism and, in fact, that's why he says:
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:50 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:20 09:49:20 09:49:32 09:50:23 09:50:23 09:50:36	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan Hogge, although you were cc'd on it. You were cc'd on it and so Lynn Gardner and Barbara Young, so I'm assuming	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:52:00 09:52:00 09:52:08 09:52:08 09:52:20 09:52:24 09:52:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not related to autism and, in fact, that's why he says: "From April and May, we can pay the extra hours from my
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32 09:50:23 09:50:23 09:50:31 09:50:36	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan Hogge, although you were cc'd on it. You were cc'd on it and so Lynn Gardner and Barbara Young, so I'm assuming you were cc'd on it. It was dated April 8th, 2008, which	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:51:50 09:52:00 09:52:05 09:52:08 09:52:08 09:52:24 09:52:24 09:52:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not related to autism and, in fact, that's why he says: "From April and May, we can pay the extra hours from my startup fund. Beginning in July, the money from the
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:50 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32 09:50:23 09:50:23 09:50:23 09:50:36 09:50:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan Hogge, although you were cc'd on it. You were cc'd on it and so Lynn Gardner and Barbara Young, so I'm assuming you were cc'd on it. It was dated April 8th, 2008, which was just a few months before this offer letter was	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:52:00 09:52:05 09:52:08 09:52:08 09:52:24 09:52:24 09:52:30 09:52:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not related to autism and, in fact, that's why he says: "From April and May, we can pay the extra hours from my startup fund. Beginning in July, the money from the Department of Health should begin and I will support an
09:48:22 09:48:27 09:48:29 09:48:33 09:48:33 09:48:50 09:48:56 09:48:59 09:49:03 09:49:10 09:49:12 09:49:13 09:49:19 09:49:20 09:49:32 09:50:23 09:50:23 09:50:31 09:50:36	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	comment that you say Dr. McMahon made back in the 2005-2007 era regarding PTSD; right? THE WITNESS: Does it link to him saying I had PTSD because of working with the health department? No. MR. ROBINSON: Thank you. BY MS. DONOSSO: Q. Now, on Paragraph 9(c), you also allege that you were offered part-time employment while younger, similarly situated employees were offered full-time employment. Did you ever work part time at the university? A. Well, if you look at this offer letter, it was part time. Q. And was that at your request? A. No. Q. Okay. Let's look at what has been previously marked as Exhibit 35. Now, in this letter I know you've probably have never seen this E-mail before because it was between Dr. McMahon and Lynn and Dan Hogge, although you were cc'd on it. You were cc'd on it and so Lynn Gardner and Barbara Young, so I'm assuming you were cc'd on it. It was dated April 8th, 2008, which	09:50:57 09:51:02 09:51:10 09:51:15 09:51:18 09:51:21 09:51:27 09:51:27 09:51:30 09:51:40 09:51:50 09:51:50 09:52:00 09:52:05 09:52:08 09:52:08 09:52:24 09:52:24 09:52:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I've seen it before. Q. Now, here it says: "Judy Zimmerman would like to work 32 hours per week and then 40 hours a month away and then she would like to take away from the URADD in June and then only work for zero to four hours per week and then she'd like to return in September about 24 hours per week or more thereafter." Did you ever have a conversation with Dr. McMahon where you might only want to work a reduced schedule? A. No. Q. So then why would he write this E-mail? A. This E-mail was to adjust the hours that I worked, so I had another job offer during that summer and I wanted to so I wanted to do a nine get my hours in the nine months instead of the 12 months, so it was just to adjust the schedule. Q. Okay. Can you turn the page? A. Uh-huh. Q. There is an E-mail in the back where it says that you were trying to pursue a training opportunity not related to autism and, in fact, that's why he says: "From April and May, we can pay the extra hours from my startup fund. Beginning in July, the money from the

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 9 of 57

	Page 29		Page 30
09:52:46 1	actually using startup funds to help you to do this	09:54:16 1	and I was working only part time. Because I was only
09:52:50 2	training.	09:54:22 2	working part time, I needed to supplement my money, my
09:52:50 3	A. No. No. I was being paid from the contract	09:54:27 3	job, with other funding, and I took a three-month job
09:52:55 4	I brought with me from the health department for this	09:54:31 4	that was paid at a hospital. All I asked for is that the
09:52:58 5	time and I had another job offer for the summer that I	09:54:37 5	part time be accounted for. I would work more hours
09:53:02 6	was being paid separately, so my understanding was all my	09:54:42 6	before it started and more hours after to make up the
09:53:07 7	time was being paid for from the contract from the health	09:54:48 7	time I missed during the summer.
09:53:10 8	department.	09:54:57 8	Q. Okay. I'd like to draw your attention to the
09:53:11 9	Q. Judy, but that's not what this E-mail says	09:55:01 9	E-mail from Lynn above. Do you see where it says: "I
09:53:13 10	and that's being cc'd to Dan Hogge, so according to this	09:55:10 10	will send Dr. Zimmerman an E-mail outlining the process
09:53:18 11	E-mail, actually Dr. McMahon was using his own startup	09:55:15 11	again with her needing new letters of recommendation,
09:53:23 12	funds, his own you know, his own department money to	09:55:19 12	etc. The file needs to be completed to meet the
09:53:27 13	help pay you to get this training, so he was supporting	09:55:23 13	June 24th deadline."
09:53:29 14	you so that you could get this training, and he also then	09:55:26 14	From the testimony that Dr. McMahon has
09:53:35 15	was talking to Lynn Gardner and he says: "We have to	09:55:30 15	provided, and you sat through his deposition, the process
09:53:39 16	resume the process for appointment for Judy as a research	09:55:36 16	is a little bit more complex for research professors than
09:53:43 17	assistant professor. I will cc Lynn and Barbara to help	09:55:41 17	it is for just regular adjunct professors, and, so so,
09:53:47 18	us on this." So he was the one who resumed the process	09:55:47 18	you did need to have you new letters and that's when
09:53:53 19	for appointment, so it doesn't say reappointment or	09:55:51 19	Deborah Bilder came in and maybe it was you who asked her
09:53:56 20	anything new. He's the one that had you appointed to be	09:55:56 20	and others to help you complete the file, so whatever had
09:54:00 21	a research, so this is a brand-new thing. You were just	09:56:01 21	happened is did something maybe happen and maybe you
09:54:04 22	an adjunct professor and he's the one that had you	09:56:03 22	had not completed the file before and that's why the file
09:54:09 23	appointed as a research professor.	09:56:08 23	wasn't completed until McMahon became chair?
09:54:11 24	A. I thought I was an assistant research	09:56:15 24	A. There were letters provided in 2005. I
09:54:14 25	professor. All this memo all these memos had to do	09:56:20 25	believed all the letters were provided. Then I was asked
	Page 31		Page 32
09:56:24 1	Page 31 to do it all over again in 2000 and whatever.	10:00:18 1	Page 32 assistant research professor was never passed because
09:56:24 1 09:56:29 2	-	10:00:18 1 10:00:23 2	-
	to do it all over again in 2000 and whatever.		assistant research professor was never passed because
09:56:29 2	to do it all over again in 2000 and whatever. Q. Okay.	10:00:23 2	assistant research professor was never passed because your inside letters were never received. They only
09:56:29 2 09:56:31 3	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007?	10:00:23 2 10:00:25 3	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you
09:56:29 2 09:56:31 3 09:56:42 4	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date.	10:00:23 2 10:00:25 3 10:00:29 4	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need?
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people.	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct.
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving.
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second?	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure.	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO:	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11 10:00:57 12	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor.
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:34 13	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:45 8 10:00:46 9 10:00:52 11 10:00:57 12 10:00:59 13	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:46 9 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:37 17	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:37 17 09:59:40 18	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:12 10 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:37 17 09:59:48 19	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:46 9 10:00:47 10 10:00:52 11 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:59:32 16 09:59:32 16 09:59:37 17 09:59:40 18 09:59:48 19 09:59:52 20	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:45 8 10:00:47 10 10:00:52 11 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:32 16 09:59:34 18 09:59:40 18 09:59:48 19 09:59:56 21	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside letters and so there's a note at the bottom that says	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:46 9 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20 10:01:33 21	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet for assistant research professor?
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:37 17 09:59:40 18 09:59:40 18 09:59:48 19 09:59:52 20 09:59:56 21 10:00:00 22	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside letters and so there's a note at the bottom that says still need. Do you see that?	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:45 8 10:00:45 8 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20 10:01:33 21 10:01:36 22	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet for assistant research professor? A. I didn't know they hadn't received the
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:37 17 09:59:40 18 09:59:40 18 09:59:40 18 09:59:52 20 09:59:56 21 10:00:00 22 10:00:02 23	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside letters and so there's a note at the bottom that says still need. Do you see that? A. Correct.	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20 10:01:33 21 10:01:36 22 10:01:39 23	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet for assistant research professor? A. I didn't know they hadn't received the letters.
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:59:32 16 09:59:32 16 09:59:37 17 09:59:40 18 09:59:48 19 09:59:52 20 09:59:56 21 10:00:00 22 10:00:02 23	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside letters and so there's a note at the bottom that says still need. Do you see that? A. Correct. Q. Okay, so your assistant research you	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20 10:01:33 21 10:01:36 22 10:01:39 23 10:01:40 24	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet for assistant research professor? A. I didn't know they hadn't received the letters. Q. Okay, so they were never able to make you an
09:56:29 2 09:56:31 3 09:56:42 4 09:56:45 5 09:56:47 6 09:56:56 7 09:57:01 8 09:57:10 9 09:57:14 11 09:57:14 12 09:57:34 13 09:58:58 14 09:59:29 15 09:59:32 16 09:59:37 17 09:59:40 18 09:59:40 18 09:59:40 18 09:59:52 20 09:59:56 21 10:00:00 22 10:00:02 23	to do it all over again in 2000 and whatever. Q. Okay. MR. ROBINSON: 2008? 2007? THE WITNESS: At this date. MR. ROBINSON: This date being what? THE WITNESS: Looks like 2008 from the E-mail. So in 2005 I got letters from three outside people and three inside people. MR. ROBINSON: Can I just look at the exhibit binder for a second? THE WITNESS: Sure. BY MS. DONOSSO: Q. I'd like to draw let me draw your attention to Exhibit 30. That's an agenda for the Department of Psychiatry faculty meeting, that's when Dr. Grosser had I believe left and there was a transition happening and there was a vote. They were trying to prepare to vote for you on January 10th, 2006, and you had provided outside letters from Steve Kelley and Claudia Kennedy but they still had not received inside letters and so there's a note at the bottom that says still need. Do you see that? A. Correct.	10:00:23 2 10:00:25 3 10:00:29 4 10:00:33 5 10:00:34 6 10:00:42 7 10:00:45 8 10:00:47 10 10:00:57 12 10:00:59 13 10:01:02 14 10:01:08 15 10:01:14 16 10:01:17 17 10:01:21 18 10:01:23 19 10:01:26 20 10:01:33 21 10:01:36 22 10:01:39 23	assistant research professor was never passed because your inside letters were never received. They only received a letter from Hilary Coon at the time. Do you see those notes at the bottom, it says 02/27/06 still need? A. So can I clarify this? Bernie Grosser I think was there until 2008. Q. That is correct. A. He wasn't just leaving. Q. Okay, so I misspoke. This was an agenda from January 10th, 2006. One of the things on the agenda was to vote to make you an assistant research professor. They had listed the outside and the inside letters, and according to this agenda, you had provided the outside letters, but the inside letters, according to this agenda in paren, it says not yet received and there's a notation in writing that says still need, so does this refresh your recollection that you never provided all of the materials to them that were needed for them to make a complete vote for them to be able to complete your packet for assistant research professor? A. I didn't know they hadn't received the letters.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 10 of 57

		Page 33			Page 34
10:02:02	1	so would you agree that according to this document that	10:03:07	1	follow-up to make sure that they had received everything
10:02:05	2	is correct?	10:03:10	2	that was necessary in that packet to process that
10:02:05	3	A. No.	10:03:13	3	application?
10:02:06	4	Q. You don't believe that this document shows	10:03:13	4	A. I believed it was their responsibility
10:02:12	5	that they never received the documentation that was	10:03:16	5	because because some of the letters, I wouldn't be
10:02:14	6	needed for them to process your request to be a research	10:03:20	6	able to see.
10:02:19	7	professor?	10:03:21	7	Q. But these would be who was the person who
10:02:20	8	A. On this date, perhaps. I don't know. I've	10:03:25	8	was in charge of asking for people to write and send
10:02:26	9	never seen this before.	10:03:28	9	letters?
10:02:27	10	Q. Okay.	10:03:29	10	A. Bernie Grosser asked Bill McMahon to write a
10:02:27	11	A. And I never got any feedback that they hadn't	10:03:34	11	letter.
10:02:30	12	received the letters that they needed.	10:03:34	12	Q. Who asked Hillary Coon to write the letter?
10:02:33	13	Q. Who was the person who was applying to be an	10:03:38	13	A. I did.
10:02:39	14	assistant research professor?	10:03:38	14	Q. So who would have had to ask Bill McMahon to
10:02:41	15	A. My understanding was that the secretary	10:03:42	15	write the letter?
10:02:43	16	requested the letters and was supposed to keep me	10:03:42	16	A. I did and Grosser asked him to write the
10:02:46	17	informed if they were missing anything.	10:03:45	17	letter as well.
10:02:48	18	Q. Who was applying to be an assistant research	10:03:47	18	Q. So who would've had to do the follow-up?
10:02:52	19	professor?	10:03:50	19	A. I didn't know he hadn't done it. I assumed
10:02:52	20	A. I had been told I was being appointed as that	10:03:55	20	it had all been taken care of. I had no feedback that it
10:03:00	21	and I thought all the	10:04:00	21	hadn't been taken care of and that I hadn't had the
10:03:00	22	Q. You're not answering my question. Who was	10:04:04	22	appointment.
10:03:02	23	the person who was	10:04:04	23	Q. Okay, and after not hearing back for several
10:03:03	24	A. I applied.	10:04:18	24	weeks, you didn't think that you should do any follow-up?
10:03:05	25	Q. Yes, and so who was in charge of the	10:04:22	25	A. I didn't know there was a problem. I've
		Page 35			Page 36
10:04:26	1	Page 35 never seen this.	10:06:47	1	Page 36 Q. Was anybody else present when these comments
10:04:26 10:04:29	1 2	never seen this. Q. Okay. Let's go back to the complaint. On	10:06:47 10:06:50	1 2	-
		never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked	10:06:50 10:06:51		Q. Was anybody else present when these comments were made? A. No.
10:04:29	2 3 4	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees	10:06:50 10:06:51 10:06:51	2 3 4	Q. Was anybody else present when these comments were made?A. No.Q. What were the nature of these comments?
10:04:29 10:05:15	2	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you	10:06:50 10:06:51 10:06:51 10:06:55	2 3 4 5	 Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35	2 3 4 5 6	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this?	10:06:50 10:06:51 10:06:51 10:06:55 10:07:20	2 3 4 5 6	 Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a
10:04:29 10:05:15 10:05:21 10:05:25	2 3 4 5	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon.	10:06:50 10:06:51 10:06:51 10:06:55 10:07:20 10:07:38	2 3 4 5 6 7	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37	2 3 4 5 6 7 8	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46	2 3 4 5 6 7 8	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:48	2 3 4 5 6 7 8	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall	10:06:50 10:06:51 10:06:51 10:07:20 10:07:38 10:07:46 10:07:56	2 3 4 5 6 7 8	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:48 10:05:53	2 3 4 5 6 7 8 9	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when.	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10	2 3 4 5 6 7 8 9	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:48 10:05:53 10:05:54	2 3 4 5 6 7 8 9 10	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15	2 3 4 5 6 7 8 9 10	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional.
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:48 10:05:53 10:05:54 10:05:57	2 3 4 5 6 7 8 9 10 11	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21	2 3 4 5 6 7 8 9 10 11	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:48 10:05:53 10:05:54 10:05:57	2 3 4 5 6 7 8 9 10 11 12 13	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No.	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:08:10 10:08:15 10:08:21 10:08:23	2 3 4 5 6 7 8 9 10 11 12 13	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008?
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:48 10:05:53 10:05:54 10:05:57	2 3 4 5 6 7 8 9 10 11 12 13 14	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:21 10:08:23 10:08:25	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:48 10:05:53 10:05:54 10:05:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:21 10:08:23 10:08:25 10:08:43	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well.
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:48 10:05:53 10:05:54 10:05:58 10:05:58 10:05:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon.	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:08:10 10:08:15 10:08:21 10:08:23 10:08:25 10:08:43 10:08:47	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain?
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:53 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:08:10 10:08:15 10:08:21 10:08:23 10:08:25 10:08:43 10:08:47 10:08:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:37 10:05:48 10:05:53 10:05:54 10:05:58 10:05:58 10:06:12 10:06:15 10:06:16 10:06:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times.	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:21 10:08:23 10:08:25 10:08:43 10:08:47 10:08:50 10:09:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital.
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:37 10:05:48 10:05:53 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:16 10:06:25 10:06:28	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during	10:06:50 10:06:51 10:06:51 10:07:20 10:07:20 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:43 10:08:47 10:08:50 10:09:05 10:09:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away
10:04:29 10:05:15 10:05:21 10:05:25 10:05:36 10:05:37 10:05:48 10:05:54 10:05:57 10:05:58 10:06:12 10:06:15 10:06:25 10:06:28 10:06:31	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:43 10:08:47 10:08:50 10:09:05 10:09:05 10:09:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:37 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:25 10:06:28 10:06:31 10:06:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure? A. During the timeframe I was studying to be a	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:43 10:08:47 10:08:50 10:09:05 10:09:05 10:09:14 10:09:19	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work at St. Mark's and Jordan Valley?
10:04:29 10:05:15 10:05:21 10:05:25 10:05:36 10:05:37 10:05:48 10:05:54 10:05:58 10:05:58 10:06:12 10:06:15 10:06:15 10:06:25 10:06:31 10:06:33 10:06:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure? A. During the timeframe I was studying to be a chaplain.	10:06:50 10:06:51 10:06:51 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:25 10:08:43 10:08:47 10:08:50 10:09:05 10:09:05 10:09:14 10:09:19 10:09:22	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work at St. Mark's and Jordan Valley? A. My job at the university was only part time
10:04:29 10:05:15 10:05:21 10:05:25 10:05:35 10:05:36 10:05:48 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:25 10:06:25 10:06:31 10:06:37 10:06:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure? A. During the timeframe I was studying to be a chaplain. Q. And when were you studying to be a chaplain?	10:06:50 10:06:51 10:06:55 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:43 10:08:47 10:08:50 10:09:05 10:09:05 10:09:14 10:09:19	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work at St. Mark's and Jordan Valley? A. My job at the university was only part time and I adjusted my schedule. It was it was flexible in
10:04:29 10:05:15 10:05:21 10:05:25 10:05:36 10:05:37 10:05:48 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:16 10:06:25 10:06:31 10:06:37 10:06:37 10:06:40	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure? A. During the timeframe I was studying to be a chaplain. Q. And when were you studying to be a chaplain? A. I would have to look at the exact time.	10:06:50 10:06:51 10:06:51 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:15 10:08:21 10:08:23 10:08:25 10:08:43 10:08:47 10:09:05 10:09:05 10:09:05 10:09:14 10:09:12 10:09:22 10:09:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work at St. Mark's and Jordan Valley? A. My job at the university was only part time
10:04:29 10:05:15 10:05:25 10:05:35 10:05:36 10:05:37 10:05:54 10:05:57 10:05:58 10:05:58 10:06:12 10:06:15 10:06:15 10:06:31 10:06:37 10:06:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	never seen this. Q. Okay. Let's go back to the complaint. On Paragraph 9(d), you alleged that you were often asked when you were going to retire because older employees could not keep up with younger employees. Who asked you this? A. McMahon. Q. When did he begin to ask you this? A. I don't recall. It was I don't recall exactly when. Q. Was anybody else present when these comments were made? A. No. Q. Who made derogatory comments about your interest in becoming a chaplain? A. McMahon. Q. How often would he make these comments? A. I would say three or four times. Q. So these were made three or four times during your entire tenure? A. During the timeframe I was studying to be a chaplain. Q. And when were you studying to be a chaplain?	10:06:50 10:06:51 10:06:51 10:07:20 10:07:38 10:07:46 10:07:56 10:08:10 10:08:21 10:08:23 10:08:25 10:08:47 10:08:50 10:09:05 10:09:05 10:09:05 10:09:14 10:09:12 10:09:22 10:09:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Was anybody else present when these comments were made? A. No. Q. What were the nature of these comments? A. He I'm trying to remember. He made it clear that he didn't approve of me studying to be a chaplain and that chaplains feed the delusions something to the effect of feed the delusions of religious people and that the gist of it was that individuals who had certain religious beliefs were delusional. Q. Were you pursuing this training sometime in the spring of 2008? A. I don't remember. And I was also working as a chaplain as well. Q. Where were you working as a chaplain? A. I worked at St. Mark's and I worked at Jordan Valley Hospital. Q. Did he allow you to be able to take time away from your duties at the university to go be able to work at St. Mark's and Jordan Valley? A. My job at the university was only part time and I adjusted my schedule. It was it was flexible in terms of my hours. I didn't ask him to adjust anything

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 11 of 57

	Page 37		Page 38
10:09:41 1	Q. And did the university or McMahon make any	10:11:04 1	MR. ROBINSON: Okay. Thank you.
10:09:46 2	type of derogatory comments because you were adjusting	10:11:07 2	MS. DONOSSO: And that was Exhibit No. 35.
10:09:51 3	your schedule during that summer?	10:11:13 3	MR. ROBINSON: That's the exhibit you were
10:09:53 4	A. The only derogatory comment the other	10:11:15 4	referring to was Exhibit 35?
10:10:01 5	derogatory comment was I was asked to be on an advisory	10:11:18 5	BY MS. DONOSSO:
10:10:02 6	board, a chaplain advisory board at the university, and I	10:11:22 6	Q. Thirty-five?
10:10:09 7	had to go on my lunch hour to do that. I lost my train	10:11:22 7	A. Yes.
10:10:26 8	of thought. Sorry.	10:11:23 8	Q. Okay. Okay. Now, let's go back to the
10:10:27 9	Q. Did the university or McMahon have any	10:11:28 9	complaint, and I'd like you to turn to Page 16, so now
10:10:29 10	problem with you during that summer because you were	10:11:44 10	what we're going to do is in your amended complaint you
10:10:31 11	spending time at St. Mark's or Jordan Valley?	10:11:47 11	alleged 12 causes of action, so we're going to begin with
10:10:36 12	A. Not that I know of.	10:11:52 12	cause of action No. 1, which is your whistleblower claim
10:10:37 13	Q. Okay.	10:11:57 13	under the Utah Protection of Public Employees Act. What
10:10:40 14	MR. ROBINSON: May I clarify?	10:12:02 14	is your basis for your whistleblower claim?
10:10:41 15	THE WITNESS: Yes.	10:12:15 15	A. I asked questions beginning in 2011
10:10:43 16	MR. ROBINSON: I think you said you asked Dr.	10:12:22 16	regarding legal questions regarding the sharing of
10:10:45 17	McMahon to adjust your schedule for the summer and he did	10:12:28 17	confidential data I had collected as part of my grants.
10:10:49 18	allow you to do that; is that correct?	10:12:34 18	Q. Who did you ask these questions to?
10:10:51 19	THE WITNESS: Yes.	10:12:37 19	A. I asked IRB, I asked the head of ethics, I
10:10:53 20	MR. ROBINSON: Okay, and that was 2008.	10:12:47 20	asked Jeffrey Botkin, I asked the health department,
10:10:55 21	THE WITNESS: That was in the reference to	10:12:47 20	several individuals at the health department.
10:10:57 22	that previous exhibit, the hours.	10:13:01 21	Q. Who at the health department?
10:11:00 23	MR. ROBINSON: Right. Okay. Good, and that	10:13:04 23	A. I asked Marc Babitz, I asked Nan Streeter, I
10:11:02 24	was in 2008?	10:13:04 23	asked Harper Randall and I asked Lyle Odendahl, the AG
10:11:02 24	THE WITNESS: Correct.	10:13:10 24	for the health department.
10.11.03 23	THE WITNESS. Conce.	10.13.27 23	for the hearth department.
	Page 39		Page 40
10:13:29 1	Q. Okay, and what did you ask them?	10:16:36 1	A. My question to the IRB was that and to Dr.
10:13:33 2	A. I asked them my concerns were related to	10:16:44 2	Botkin was that McMahon was listing on an IRB that he was
10:13:49 3	the institutional review, IRBs, and what authorizations	10:16:50 3	conducting the research and had cooperative agreements
10:14:02 4	were needed from which governmental entities in order for	10:16:54 4	with the CDC when he, in fact, had none and I was
10:14:10 5	researchers to access birth files with identifiers and	10:17:02 5	concerned about my liability with him continuing to list
10:14:20 6	identifiable and deidentified data that I had collected	10:17:09 6	his name as the principal investigator of that study
10:14:26 7	as part of my grant activities.	10:17:13 7	when, in fact, he wasn't.
10:14:36 8	Q. What did these people tell you?	10:17:17 8	Q. Okay, and what was your question to ethics?
	A. Which person? Let's start with let me		
10:14:41 9		10:17:24 9	A. The same.
10:14:41 9 10:14:51 10	back up by saying that, prior to this time, the health	10:17:24 9	A. The same.
	-		
10:14:51 10	back up by saying that, prior to this time, the health	10:17:26 10	A. The same.Q. Okay, and I'm assuming all of these people
10:14:51 10 10:14:56 11	back up by saying that, prior to this time, the health department had done and controlled the birth records and	10:17:26 10 10:17:32 11	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions?
10:14:51 10 10:14:56 11 10:15:17 12	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract	10:17:26 10 10:17:32 11 10:17:36 12	 A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants.	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18 10:16:02 19	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants. Q. Okay. A. And so my questions to the health department	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18 10:18:27 19	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to put my research under my name.
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18 10:16:02 19 10:16:07 20	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants. Q. Okay.	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18 10:18:27 19 10:18:30 20	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to put my research under my name. Q. Okay, and what did the health department say?
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18 10:16:02 19 10:16:07 20 10:16:13 21	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants. Q. Okay. A. And so my questions to the health department to access health data was that it would need to go	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18 10:18:27 19 10:18:30 20 10:18:36 21	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to put my research under my name. Q. Okay, and what did the health department say? A. The health department, their response was
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18 10:16:02 19 10:16:07 20 10:16:13 21 10:16:18 22	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants. Q. Okay. A. And so my questions to the health department to access health data was that it would need to go through oversight committee and Utah Department of Health	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18 10:18:27 19 10:18:30 20 10:18:36 21 10:18:45 22	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to put my research under my name. Q. Okay, and what did the health department say? A. The health department, their response was confusing. They my understanding was that that the
10:14:51 10 10:14:56 11 10:15:17 12 10:15:21 13 10:15:29 14 10:15:33 15 10:15:45 16 10:15:54 17 10:15:59 18 10:16:02 19 10:16:07 20 10:16:13 21 10:16:18 22 10:16:23 23	back up by saying that, prior to this time, the health department had done and controlled the birth records and the health department decided not to renew a contract with the Utah State office well, the Utah State Office of Education rescinded the health department's authority to collect education data, so I was trying to get clarification as to process for researchers to to access data that I had collected as part of my CDC grants. Q. Okay. A. And so my questions to the health department to access health data was that it would need to go through oversight committee and Utah Department of Health IRB for health data.	10:17:26 10 10:17:32 11 10:17:36 12 10:17:45 13 10:17:52 14 10:18:00 15 10:18:04 16 10:18:11 17 10:18:22 18 10:18:27 19 10:18:30 20 10:18:36 21 10:18:45 22 10:18:55 23	A. The same. Q. Okay, and I'm assuming all of these people gave you their responses to your questions? A. The IRB deferred it to Botkin, who was the head of ethics at the university. They did say I could do my own IRBs for my study, but in terms of the chairman listing himself as doing the research on someone else's research, they referred me to Botkin, and Botkin said Bill wouldn't do that and that I could put just basically said he wouldn't do that and I had a right to put my research under my name. Q. Okay, and what did the health department say? A. The health department, their response was confusing. They my understanding was that that the legal opinion was if the health if a researcher wanted

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 12 of 57

	Page 41		Page 42
10:19:09 1	researcher would need to go through the oversight	10:21:36 1	sponsorship, who had sponsored that research and their
10:19:14 2	committee first and then an IRB at the health department.	10:21:46 2	relationship to the sponsor.
10:19:20 3	Q. And so was it your understanding that as long	10:21:47 3	Q. Okay. Now, your second cause of action is a
10:19:24 4	as the researcher had an IRB at the health department,	10:21:50 4	breach of contract claim, and specifically, I'd like to
10:19:27 5	then they would be able to use the data?	10:21:59 5	draw your attention to Page 18 of the complaint, you cite
10:19:30 6	A. My understanding was it would depend on the	10:22:09 6	University Policy 6-316 where you claim that that policy
10:19:37 7	form of the data that they took. So it's complicated by	10:22:14 7	gives faculty members, quote: "The right to academic
10:19:41 8	the fact that the Centers for Disease Control also had	10:22:18 8	freedom and right to examine and communicate ideas by any
10:19:46 9	requirements in terms of who could use the data, so the	10:22:23 9	lawful means." What is the basis of your breach of
10:19:51 10	health department was only contributing partially to the	10:22:30 10	contract claim?
10:19:58 11	data in my data set. So my understanding was that the	10:22:31 11	MS. LEONARD: I'll just object that the
10:20:06 12	CDC, if they were wanting identifiable data, is that they	10:22:34 12	document speaks for itself and asks for a legal
10:20:12 13	would need to get approval from the data sources to use	10:22:37 13	conclusion.
10:20:17 14	that data.	10:22:38 14	You can answer.
10:20:21 15	Q. Okay, so going back to my question, what is	10:22:45 15	THE WITNESS: I believe that I had met the
10:20:29 16	the basis of your whistleblower claim?	10:22:50 16	obligations of my contract with the university and when I
10:20:32 17	A. I believe I was retaliated against for asking	10:23:00 17	raised the question of plagiarism in 2011, data security,
10:20:36 18	questions about plagiarism, privacy concerns and the	10:23:11 18	authorization, that I was retaliated against and that I
10:20:46 19	sharing of identifiable data without the appropriate	10:23:19 19	could not finish out my current contract, nor was I
10:20:52 20	consents.	10:23:25 20	allowed to have new contracts, so they stopped me from
10:20:59 21	Q. Anything else?	10:23:35 21	performing my duties mid contract.
10:21:03 22	A. I also reported that they were publishing	10:23:35 22	BY MS. DONOSSO:
10:21:13 23	data under people's names who had not done the work and	10:23:59 23	Q. You have previously testified that you
10:21:18 24	that the data contained uncorrected errors and that they	10:24:01 24	understand that you were on an annual renewable contract;
10:21:23 25	had made false claims with the IRB regarding who had	10:24:06 25	correct?
	Page 43		Page 44
10:24:06 1	A. My understanding was that I had just passed	10:26:01 1	offer letter, that we have previously reviewed, that is
		10.20.01	
10:24:10 2	my third year RPT review and the letter I received from	10:26:05 2	dated November 30th of 2008, which is Exhibit 9, and
10:24:10 2 10:24:17 3	the head of the medical school stated that she looked		dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for
	the head of the medical school stated that she looked forward to me having years to come.	10:26:05 2	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research
10:24:17 3	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr.	10:26:05 2 10:26:20 3	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in	10:26:05 2 10:26:20 3 10:26:26 4	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct?	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8 10:26:42 8	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that?
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8 10:26:42 9 10:26:47 10	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes.
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8 10:26:46 9 10:26:47 10 10:26:47 11	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:53 12	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism.	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8 10:26:46 9 10:26:47 10 10:26:47 11 10:26:56 12	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:53 12 10:24:54 13	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:38 7 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:43 11 10:24:53 12 10:24:54 13 10:24:56 14	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document?	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph?
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes.	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes.
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:43 12 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:38 7 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:43 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:26 17	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:26 17 10:25:30 18	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011?	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 17 10:25:30 18 10:25:33 19	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received.	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:30 18 10:25:33 19 10:25:36 20	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:53 12 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 16 10:25:30 18 10:25:33 19 10:25:36 20 10:25:40 21	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states that you and Dr. McMahon and Dr. Macintosh had your	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:46 9 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20 10:27:26 21	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their research ideas and efforts of others." Do you see that?
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:53 12 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 16 10:25:33 19 10:25:33 19 10:25:34 21 10:25:45 22	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states that you and Dr. McMahon and Dr. Macintosh had your annual performance review on June 22nd of 2011; is that	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20 10:27:26 21 10:27:29 22	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their research ideas and efforts of others." Do you see that? A. Yes.
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:44 11 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 16 10:25:30 18 10:25:30 18 10:25:30 20 10:25:40 21 10:25:40 21 10:25:40 23	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states that you and Dr. McMahon and Dr. Macintosh had your annual performance review on June 22nd of 2011; is that correct?	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20 10:27:26 21 10:27:29 22 10:27:30 23	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their research ideas and efforts of others." Do you see that? A. Yes. Q. And then in the first sentence of the last
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 16 10:25:20 16 10:25:20 16 10:25:20 16 10:25:20 16 10:25:20 20 10:25:30 18 10:25:30 18 10:25:30 20 10:25:40 21 10:25:45 22 10:25:50 23 10:25:51 24	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states that you and Dr. McMahon and Dr. Macintosh had your annual performance review on June 22nd of 2011; is that correct? A. I don't remember. I'm sure that's correct.	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20 10:27:26 21 10:27:29 22 10:27:30 23 10:27:36 24	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their research ideas and efforts of others." Do you see that? A. Yes. Q. And then in the first sentence of the last paragraph: "There is a perception that you are not
10:24:17 3 10:24:21 4 10:24:24 5 10:24:29 6 10:24:34 7 10:24:39 8 10:24:42 9 10:24:42 10 10:24:53 12 10:24:54 13 10:24:56 14 10:25:19 15 10:25:20 16 10:25:20 16 10:25:30 18 10:25:30 18 10:25:30 20 10:25:40 21 10:25:40 21 10:25:45 22 10:25:50 23	the head of the medical school stated that she looked forward to me having years to come. Q. But you had had a meeting with both Dr. McMahon and Dr. Macintosh where they had met with you in June of 2011 and given you an outline of expectations where they had shared concerns with you; isn't that correct? A. I received those concerns directly after reporting my concerns to Sperry and Botkin and IRB and about plagiarism. Q. Let's look at what has been marked as Exhibit 10. Do you recognize that document? A. Yes. Q. Is that a true and correct copy of the outline of expectations that you received on or about approximately June 27th of 2011? A. This is a copy of the letter I received. Q. Okay, and according to this letter, it states that you and Dr. McMahon and Dr. Macintosh had your annual performance review on June 22nd of 2011; is that correct?	10:26:05 2 10:26:20 3 10:26:26 4 10:26:29 5 10:26:34 6 10:26:42 8 10:26:42 8 10:26:47 10 10:26:47 11 10:26:56 12 10:27:00 13 10:27:04 14 10:27:05 15 10:27:06 16 10:27:14 17 10:27:18 18 10:27:22 19 10:27:25 20 10:27:26 21 10:27:29 22 10:27:30 23	dated November 30th of 2008, which is Exhibit 9, and according to Dr. McMahon, it states the expectations for you in your role as assistant professor, research professor, were outlined in that offer letter of November 30th and it is to maintain and develop URADD, to work with me and other researchers to design and carry out new studies and to collaborate in the development of new grants. Do you see that? A. Yes. Q. And then in paragraph approximately in the middle of the page, it says: "As we discussed on June 22nd, I have concerns that need your immediate attention." Do you see that paragraph? A. Yes. Q. He says: "As the leader, who is part of an academic medical center, it is very important for you to mentor and encourage other department researchers. You need to be approachable, available, demonstrate a willingness to answer questions and support their research ideas and efforts of others." Do you see that? A. Yes. Q. And then in the first sentence of the last

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 13 of 57

	Page 45		Page 46
10:27:44 1	your own ideas, while dismissing or ignoring those of	10:29:58 1	A. This letter followed me reporting concerns
10:27:46 2	more junior researchers; that you fail to provide	10:30:06 2	about him and plagiarism and I reported to him I was
10:27:48 3	feedback; that you provide feedback that is hostile and	10:30:20 3	concerned about Deborah Bilder as she was did not have
10:27:52 4	not constructive." Do you see that paragraph?	10:30:33 4	IRBs for research that she was doing and that she was
10:27:55 5	A. Uh-huh.	10:30:42 5	bypassing the protocols set up by the health department
10:27:56 6	Q. "That your behavior is not conducive to our	10:30:47 6	as well as with the CDC.
10:28:00 7	very important task of building and developing an	10:30:51 7	Q. What do you mean by plagiarism? Let's break
10:28:07 8	outstanding autism research program." And then in the	10:30:55 8	down your response. What plagiarism?
10:28:10 9	second page, he goes on to say: "It is my perception, as	10:30:57 9	A. Bill was claiming to have authored my grants.
10:28:15 10	well as that of the URADD oversight committee, that your	10:31:02 10	He was claiming that he was the lead principal
10:28:21 11	enthusiasm to identify associations relating to autism	10:31:05 11	investigator. He was claiming that Hilary Coon and he
10:28:24 12	may overshadow your adherence to scientific rigor." And	10:31:15 12	wrote the grant. He gave in a magazine article credit to
10:28:30 13	then he goes on to even offer to provide you executive	10:31:26 13	another junior faculty member for my research.
10:28:37 14	coaching to assist you in the process of improving your	10:31:33 14	MR. ROBINSON: Sorry, what was that last one?
10:28:41 15	interpersonal and collaborative skills at the bottom of	10:31:35 15	THE WITNESS: Pardon?
10:28:47 16	the page.	10:31:35 16	MR. ROBINSON: What was that last one?
10:28:47 17	Now, I mean, this is a two-page, single	10:31:37 17	THE WITNESS: So there was an article that
10:28:52 18	spaced basically annual review letter, and it's signed by	10:31:38 18	appeared in the Salt Lake City Magazine and they
10:29:02 19	Dr. McMahon, as the chairman, and cc'd to Michael	10:31:46 19	published the article stating that another female junior
10:29:07 20	Macintosh. I know that you provided, you know, a	10:31:50 20	faculty had done the study. When I brought those
10:29:27 21	response to this letter. Do you not feel that in June of	10:31:56 21	concerns to him, he said he'd make it up to me if I'd
10:29:42 22	2011, at the time that the university gave you this	10:32:01 22	just let it go by.
10:29:47 23	outline of expectations, they had concerns that you were	10:32:01 23	BY MS. DONOSSO:
10:29:51 24	not performing the offer letter that they gave you on	10:32:13 24	Q. How is that plagiarism?
10:29:57 25	November 30th of 2008?	10:32:15 25	A. How is that plagiarism?
	Page 47		Page 48
10:32:17 1	Q. How is he claiming to be co-PI or lead PI on	10:33:51 1	like the CDC and stuff? Did the checks go to you or did
10:32:32 2	a grant that he has been thoroughly involved in since the	10:33:54 2	the checks go to university?
10:32:38 3	very beginning in 2003, how is that plagiarism?	10:33:54 3	A. The checks paid for my salary through the
10:32:41 4	A. He did very little work. He so when I	10:33:57 4	university. So in 2002, the health department was a
10:32:44 5	went up for RPT review, I had to prove that I wrote the	10:34:01 5	fiscal agent, and then that changed around 2009 to the
10:32:49 6	grant and he didn't write the grant. He was taking	10:34:07 6	university.
10:32:52 7	credit for my intellectual work.	10:34:09 7	Q. Right, and so you were always working for
10:32:55 8	Q. Okay. How is this your intellectual work?	10:34:12 8	somebody else, but you and you weren't writing these
10:33:00 9	A. I wrote it. I conducted the research.	10:34:15 9	grants by yourself, correct, there were other people
10:33:02 10	Q. While you were working for the University of	10:34:18 10	helping you write these grants?
10:33:05 11	Utah?	10:34:20 11	A. McMahon did not help.
10:33:05 12 10:33:06 13	A. The health department.	10:34:22 12 10:34:24 13	Q. But you were but people were reviewing
10:33:06 13	Q. You understand that when you were working for	10:34:24 13 10:34:28 14	your work, was reviewing your work at all times?
10:33:10 14	the health department, you were a program director, and that all of this data belongs to the Department of	10:34:28 14	A. People? Who? Q. People on your staff, you were always
10:33:19 16	Health. This is data that is public data. This is data	10:34:30 15	working you were always in a collaborative suite?
10:33:24 17	for children and birth data and private data of children	10:34:32 10	A. In yes.
10:33:29 18	that has been gathered by collaborative state agencies	10:34:30 17	Q. Right, and when you were publishing articles,
10:33:34 19	and privacy entities. This is not your data. Do you	10:34:41 19	people were always helping, like you always had an
10:33:31 20	understand that?	10:34:47 20	epidemiologist who was helping you gather the data, you,
10:33:39 21	A. I collected the data.	10:34:49 21	yourself
10:33:40 22	Q. You collected the data.	10:34:49 22	A. It was a team effort, yes.
10:33:42 23	A. And I did the work and I wrote the grant	10:34:52 23	Q. Okay, and in 2003, when the original IRB
10:33:45 24	through a competitive process.	10:34:59 24	11805, it was I'd like to show you what was previously
10:33:47 25	Q. Yes, a grant, and who did the checks go to,	10:35:06 25	marked as Exhibit 3. Whose name shows up as the PI?
			1

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 14 of 57

		Page 49			Page 50
10:35:18	1	A. That's on the IRB that I raised concerns	10:53:55	1	URADD project from the very beginning, wasn't he?
10:35:21	2	about.	10:54:03	2	A. He was involved peripherally.
10:35:21	3	Q. That's not my question. Whose name shows up	10:54:07	3	Q. Actually because of his broad contacts with
10:35:26	4	on the university's IRB?	10:54:13	4	the community and his reputation as a very strong
10:35:27	5	A. On that particular IRB, his name.	10:54:17	5	researcher, he was able to gather a lot of strong support
10:35:30	6	MR. ROBINSON: His name being Dr. McMahon?	10:54:22	6	for the project, wasn't he?
10:35:33	7	THE WITNESS: McMahon, yes.	10:54:24	7	A. He helped with two sources. As I recall, he
10:35:34	8	MS. DONOSSO: Okay.	10:54:32	8	was friends with Jordan School District as well as a
10:35:44	9	MS. LEONARD: Yvette, if you get to a	10:54:40	9	psychiatrist at The Children's Center.
10:35:49	10	stopping point, it would be a good time to take a break.	10:54:43	10	Q. Do you know who Carmen Pingree is?
10:35:57	11	MS. DONOSSO: Sure, that's fine. You can	10:54:46	11	A. Yes.
10:35:59	12	take one now, if you'd like.	10:54:47	12	Q. Who is she?
10:36:03	13	(Whereupon a recess was taken.)	10:54:48	13	A. She is a parent of a child with autism.
10:36:03	14	BY MS. DONOSSO:	10:54:51	14	Q. Anything else?
10:52:26	15	Q. Okay. We're back on the record. You	10:54:55	15	A. With regard to what?
10:52:31	16	previously testified that these were your grants and this	10:54:56	16	Q. With regard to her reputation in the autism
10:52:39	17	was your work; isn't that correct?	10:55:02	17	community.
10:52:42	18	MS. LEONARD: Objection. Misstates	10:55:03	18	A. As it relates to getting the grant?
10:52:44	19	testimony.	10:55:07	19	Q. As her involvement in being an activist in
10:52:44	20	MS. DONOSSO: Can you please read back Dr.	10:55:13	20	the autism community.
10:52:44	21	Zimmerman's testimony?	10:55:14	21	A. She was an activist in the autism community.
10:52:44	22	(Whereupon the requested portion was read, Page 47, Line	10:55:18	22	Q. Was she well known for her activism?
10:53:43	23	4.)	10:55:25	23	A. On autism, yes.
10:53:43	24	MS. DONOSSO: Thank you.	10:55:27	24	Q. Okay. Was she someone who was very involve
10:53:50	25	Q. However, Dr. McMahon was involved in the	10:55:29	25	at the very beginning of autism research?
		Page 51			Page 52
10:55:33	1	_	10:57:34	1	Page 52
10:55:33 10:55:38	1 2	Page 51 A. She did research, yes. Q. I'd like to show what has been marked as	10:57:34 10:57:36	1 2	
		A. She did research, yes.			Page 52 and so it might have happened, you might have met with
10:55:38	2	A. She did research, yes. Q. I'd like to show what has been marked as	10:57:36	2	Page 52 and so it might have happened, you might have met with him in 2003, you just don't remember?
10:55:38 10:55:46	2	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74.	10:57:36 10:57:41	2	Page 52 and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him
10:55:38 10:55:46 10:56:09 10:56:09	2 3 4	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.)	10:57:36 10:57:41 10:57:42	2 3 4	Page 52 and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early.
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19	2 3 4 5	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO:	10:57:36 10:57:41 10:57:42 10:57:46	2 3 4 5	Page 52 and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a
10:55:38 10:55:46 10:56:09	2 3 4 5	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before,	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48	2 3 4 5	Page 52 and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened?
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19 10:56:21	2 3 4 5 6 7	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52	2 3 4 5 6 7	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct.
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34	2 3 4 5 6 7 8	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52	2 3 4 5 6 7 8	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO:
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34	2 3 4 5 6 7 8 9	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52 10:57:52 11:01:57	2 3 4 5 6 7 8 9	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35	2 3 4 5 6 7 8 9 10	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top?	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52 11:01:57 11:02:01	2 3 4 5 6 7 8 9 10	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric
10:55:38 10:55:46 10:56:09 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39	2 3 4 5 6 7 8 9 10 11	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23	2 3 4 5 6 7 8 9 10 11	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39 10:56:41	2 3 4 5 6 7 8 9 10 11 12	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that?	10:57:36 10:57:41 10:57:42 10:57:46 10:57:48 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42	2 3 4 5 6 7 8 9 10 11 12 13	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42	2 3 4 5 6 7 8 9 10 11 12 13	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48	2 3 4 5 6 7 8 9 10 11 12 13 14	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top?
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42 10:56:43	2 3 4 5 6 7 8 9 10 11 12 13 14	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon?	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do.
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42 10:56:43 10:56:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50 11:02:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42 10:56:42 10:56:42 10:56:52 10:56:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50 11:02:50 11:02:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42 10:56:42 10:56:42 10:56:56:41 10:56:52 10:56:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50 11:02:50 11:02:53 11:03:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory?
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:41 10:56:42 10:56:42 10:56:54 10:56:54 10:57:01 10:57:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne and Carmen Pingree?	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50 11:02:50 11:02:53 11:03:05 11:03:09	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do yo see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory? A. Vaguely. By then, I already had the grant,
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39 10:56:41 10:56:42 10:56:54 10:56:54 10:57:01 10:57:06 10:57:11	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne and Carmen Pingree? A. Much later, 2011.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:48 11:02:50 11:02:50 11:02:53 11:03:05 11:03:09 11:03:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do yo see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory? A. Vaguely. By then, I already had the grant, so this would be after we already had the grant.
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39 10:56:41 10:56:42 10:56:52 10:56:54 10:57:01 10:57:06 10:57:11 10:57:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne and Carmen Pingree? A. Much later, 2011. Q. You don't recall meeting with Dr. McMahon and	10:57:36 10:57:41 10:57:42 10:57:48 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:50 11:02:50 11:02:53 11:03:05 11:03:09 11:03:18 11:03:22	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do yo see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory? A. Vaguely. By then, I already had the grant, so this would be after we already had the grant. Q. How did you meet Eric Fombonne?
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39 10:56:41 10:56:42 10:56:54 10:56:54 10:57:01 10:57:01 10:57:01 10:57:11 10:57:13 10:57:20 10:57:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne and Carmen Pingree? A. Much later, 2011. Q. You don't recall meeting with Dr. McMahon and Eric Fombonne in 2003?	10:57:36 10:57:41 10:57:42 10:57:48 10:57:52 10:57:52 11:01:57 11:02:01 11:02:23 11:02:42 11:02:50 11:02:50 11:03:05 11:03:05 11:03:09 11:03:22 11:03:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory? A. Vaguely. By then, I already had the grant, so this would be after we already had the grant. Q. How did you meet Eric Fombonne? A. Through Bill McMahon.
10:55:38 10:55:46 10:56:09 10:56:19 10:56:21 10:56:25 10:56:34 10:56:35 10:56:39 10:56:42 10:56:42 10:56:54 10:56:54 10:57:01 10:57:01 10:57:01 10:57:11 10:57:13 10:57:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. She did research, yes. Q. I'd like to show what has been marked as what we will mark as Exhibit 74. (Whereupon Exhibit 74 was marked for identification.) BY MS. DONOSSO: Q. You probably have never seen this before, since it was written to Dr. McMahon, so I'll give you a minute to read it. A. Okay. Q. Can you see the date at the top? A. Yes. Q. What date is that? A. 2001. Q. Was this before or after you met Dr. McMahon? A. I don't remember. Q. When did you first start participating in some of the meetings with Dr. McMahon and Eric Fombonne and Carmen Pingree? A. Much later, 2011. Q. You don't recall meeting with Dr. McMahon and Eric Fombonne in 2003? A. I don't recall that, no.	10:57:36 10:57:41 10:57:42 10:57:46 10:57:52 10:57:52 10:57:52 11:02:01 11:02:23 11:02:42 11:02:44 11:02:50 11:02:50 11:02:53 11:03:05 11:03:09 11:03:18 11:03:22 11:03:34 11:03:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	and so it might have happened, you might have met with him in 2003, you just don't remember? THE WITNESS: I don't recall meeting with him that early. MR. ROBINSON: So you're saying that's not a possibility, it could not have happened? THE WITNESS: I don't believe that's correct. BY MS. DONOSSO: Q. Let me show what has been previously marked as Exhibit 28. These are notes taken by Dr. McMahon in February of 2003. They were of a meeting where Eric Fombonne and Carmen Pingree and you were present. Do you see your name at the very top? A. I do. Q. I apparently you guys met, had kind of a collaborative brainstorming meeting to discuss various ideas regarding autism. Does this refresh your memory? A. Vaguely. By then, I already had the grant, so this would be after we already had the grant. Q. How did you meet Eric Fombonne? A. Through Bill McMahon. Q. How did you meet Carmen Pingree?

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 15 of 57

		Page 53			Page 54
11:03:52	1	THE WITNESS: Yes.	11:06:01	1	A. Yes.
11:04:06	2	BY MS. DONOSSO:	11:06:01	2	Q. I'd like to draw your attention just briefly
11:04:06	3	Q. Who is Eric Fombonne?	11:06:04	3	to a couple of sentences on the first page of this
11:04:08	4	A. Eric Fombonne is a psychiatrist who has done	11:06:11	4	letter, if I may. He states: "I am writing to assure
11:04:17	5	autism research.	11:06:12	5	you of my enthusiasm for your proposal to study the
11:04:18	6	Q. Where is he from?	11:06:15	6	prevalence of autism and other developmental
11:04:22	7	A. I think originally he's from Paris, from	11:06:19	7	disabilities." And this is director of pediatrics and
11:04:28	8	France.	11:06:23	8	continuation for education for Primary Children's. He
11:04:28	9	Q. Is he pretty well known in his field?	11:06:28	9	goes on to say: "I have a strong relationship with the
11:04:31	10	A. Yes.	11:06:33	10	mental health community through the work of Dr. William
	11	Q. Would you consider him an expert in autism?	11:06:37	11	McMahon, your collaborator in the Department of
	12	A. Yes.	11:06:37	12	Psychiatry." And then he goes on to say: "Dr. McMahon
	13	Q. Would you consider it a pretty big deal to be	11:06:42		has been a valued member of our continuing medical
11:04:43	14	working with him?	11:06:46	14	education program review for ten years and I will be
	15	A. Yes.	11:06:49		delighted to work with him." Do you see that in the
	16	Q. I now would like to give you Exhibit 75.	11:06:51		first paragraph?
11:05:27		(Whereupon Exhibit 75 was marked for identification.)	11:06:52		A. Uh-huh.
	18	BY MS. DONOSSO:	11:06:53	18	MR. ROBINSON: That is a yes?
	19	Q. Do you recognize this document?	11:06:55		MS. LEONARD: Make sure you say yes.
	20	A. Yes.	11:06:56		THE WITNESS: Yes.
	21	Q. It's a letter from Jack Dolcourt, a doctor of	11:06:56	21	BY MS. DONOSSO:
	22	pediatrics; is that correct?	11:06:57	22	Q. "I have discussed several specific activities
11:05:48	23	A. Yes, it is.	11:07:01		with Dr. McMahon that will contribute to your research."
		Q. And it's dated May 17th, 2002; is that	11:07:07	24	Do you see that in the second paragraph?
11:06:01		correct?	11:07:07	25	A. Uh-huh.
		Page 55			Page 56
11:07:08	1	Page 55 MR. ROBINSON: Yes.	11:08:24	1	Page 56 involved.
11:07:08 11:07:10	1 2		11:08:24 11:08:24	1 2	_
		MR. ROBINSON: Yes.			involved.
11:07:10	2	MR. ROBINSON: Yes. THE WITNESS: Yes.	11:08:24	2	involved. BY MS. DONOSSO:
11:07:10 11:07:10	2	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO:	11:08:24 11:08:26	2	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for
11:07:10 11:07:10 11:07:10	2 3 4	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon	11:08:24 11:08:26 11:08:29	2 3 4	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study?
11:07:10 11:07:10 11:07:10 11:07:11	2 3 4 5	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand	11:08:24 11:08:26 11:08:29 11:08:30	2 3 4 5	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15	2 3 4 5 6	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31	2 3 4 5 6	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18	2 3 4 5 6 7	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31	2 3 4 5 6 7	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26	2 3 4 5 6 7 8	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31 11:08:34 11:08:35	2 3 4 5 6 7 8 9	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26	2 3 4 5 6 7 8 9	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31 11:08:34 11:08:35 11:08:37	2 3 4 5 6 7 8 9	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30	2 3 4 5 6 7 8 9 10	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that?	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31 11:08:34 11:08:35 11:08:37 11:08:38	2 3 4 5 6 7 8 9 10	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant?
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31	2 3 4 5 6 7 8 9 10 11	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:37 11:08:38 11:08:40	2 3 4 5 6 7 8 9 10 11	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:30 11:07:31	2 3 4 5 6 7 8 9 10 11 12 13	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:35 11:08:38 11:08:40 11:08:42	2 3 4 5 6 7 8 9 10 11 12	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay.
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you?	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:35 11:08:38 11:08:40 11:08:42 11:08:46	2 3 4 5 6 7 8 9 10 11 12 13 14	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, when
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:38	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:37 11:08:38 11:08:40 11:08:42 11:08:46 11:08:49	2 3 4 5 6 7 8 9 10 11 12 13 14	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics,
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:30 11:07:31 11:07:31 11:07:37 11:07:38 11:07:42 11:07:50	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:37 11:08:38 11:08:40 11:08:42 11:08:46 11:08:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education;
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:30 11:07:31 11:07:31 11:07:38 11:07:38 11:07:42 11:07:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well?	11:08:24 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:38 11:08:40 11:08:42 11:08:46 11:08:49 11:08:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct?
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:30 11:07:31 11:07:31 11:07:38 11:07:38 11:07:42 11:07:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:37 11:08:38 11:08:40 11:08:46 11:08:46 11:08:49 11:08:54 11:08:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, when you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:38 11:07:42 11:07:50 11:07:50 11:07:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:38 11:08:40 11:08:46 11:08:46 11:08:49 11:08:54 11:08:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, when you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe.
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:50 11:07:50 11:07:50 11:07:59 11:07:59 11:08:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics. I know Jack's wife quite well but I do not know Jack.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:38 11:08:40 11:08:42 11:08:46 11:08:49 11:08:54 11:08:54 11:08:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, when you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe. MR. ROBINSON: Yeah, but the director of
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:50 11:07:50 11:07:50 11:07:59 11:07:59 11:08:07 11:08:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics. I know Jack's wife quite well but I do not know Jack. Q. Was he supportive of the research?	11:08:24 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:38 11:08:40 11:08:46 11:08:46 11:08:46 11:08:54 11:08:54 11:08:57 11:08:57 11:09:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, when you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe. MR. ROBINSON: Yeah, but the director of pediatric continuing education? THE WITNESS: Yes.
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:50 11:07:50 11:07:50 11:07:59 11:07:59 11:08:07 11:08:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics. I know Jack's wife quite well but I do not know Jack. Q. Was he supportive of the research? A. They had no involvement in the research.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:38 11:08:40 11:08:46 11:08:46 11:08:49 11:08:54 11:08:57 11:08:57 11:08:57 11:08:00 11:09:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe. MR. ROBINSON: Yeah, but the director of pediatric continuing education? THE WITNESS: Yes.
11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:37 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:51 11:07:51 11:07:51 11:07:51 11:07:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics. I know Jack's wife quite well but I do not know Jack. Q. Was he supportive of the research? A. They had no involvement in the research. Q. Okay.	11:08:24 11:08:29 11:08:30 11:08:31 11:08:34 11:08:37 11:08:38 11:08:40 11:08:46 11:08:46 11:08:54 11:08:57 11:08:57 11:08:57 11:09:00 11:09:02 11:09:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe. MR. ROBINSON: Yeah, but the director of pediatric continuing education? THE WITNESS: Yes. (Whereupon Exhibit 76 was marked for identification.)
11:07:10 11:07:10 11:07:10 11:07:11 11:07:15 11:07:18 11:07:23 11:07:26 11:07:30 11:07:31 11:07:31 11:07:37 11:07:37 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50 11:07:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. ROBINSON: Yes. THE WITNESS: Yes. BY MS. DONOSSO: Q. Then he goes on to say: "Since Dr. McMahon is one of our most popular speakers for pediatric grand rounds and since the recent epidemiology studies of autism suggest that it is a much greater public health concern than previously recognized, I will work to include him or other autism experts in the schedule as is appropriate." Do you see that? A. Yes. Q. Okay. Is this a true and correct copy of the letter that he sent you? A. It looks like it, yes. Q. What is your opinion of Dr. Dolcourt? Do you know him well? A. Just a clarification, he's not the director of pediatrics. Ed Clark is the director of pediatrics. I know Jack's wife quite well but I do not know Jack. Q. Was he supportive of the research? A. They had no involvement in the research. Q. Okay. MR. ROBINSON: Was he supportive in the	11:08:24 11:08:26 11:08:29 11:08:30 11:08:31 11:08:35 11:08:37 11:08:40 11:08:46 11:08:46 11:08:54 11:08:57 11:08:57 11:08:57 11:08:57 11:09:00 11:09:02 11:09:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	involved. BY MS. DONOSSO: Q. So he just sent you a letter of support for the study? A. For the application. Q. For the application, okay. MR. ROBINSON: Application for the grant? THE WITNESS: For the grant. MS. DONOSSO: Okay. MR. ROBINSON: The CDC grant? THE WITNESS: Yes. MS. DONOSSO: Okay. MR. ROBINSON: And just for the record, wher you corrected that he's not the director of pediatrics, he is the director of pediatric continuing education; correct? THE WITNESS: Primary Children's Hospital I believe. MR. ROBINSON: Yeah, but the director of pediatric continuing education? THE WITNESS: Yes. (Whereupon Exhibit 76 was marked for identification.) BY MS. DONOSSO:

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 16 of 57

	Page 57		Page 58
11:10:21 1	Q. Can you tell me what it is?	11:12:08 1	Q. Okay.
11:10:23 2	A. It's an IRB that I prepared while working at	11:12:09 2	MR. ROBINSON: To participate in the CDC
11:10:28 3	the health department.	11:12:11 3	grant?
11:10:30 4	Q. Okay, and who do you list as co-principal	11:12:12 4	THE WITNESS: Yes.
11:10:40 5	investigators?	11:12:13 5	MR. ROBINSON: Oh, okay, and you prepared
11:10:40 6	A. Dr. McMahon.	11:12:16 6	this document?
11:10:41 7	Q. In fact, at the bottom you list Zimmerman and	11:12:17 7	THE WITNESS: My staff and I did, yes.
11:10:49 8	McMahon in the IRB application and even in the body on	11:12:17 8	BY MS. DONOSSO:
11:10:54 9	Page 2 of 6 you say: "Dr. McMahon also collaborated in	11:12:20 9	Q. Okay. Can you turn to Exhibit 36? And you
11:10:59 10	the Stanford Autism Sub Pair Genetic Linkage studies. He	11:14:24 10	may have not seen this document before and it's your
11:11:03 11	is also the principal investigator for a project in the	11:14:31 11	third year formal review, the appointment review. I'll
11:11:09 12	Department of Psychiatry known as the Utah Autism	11:14:35 12	give you an opportunity to read through it.
11:11:13 13	Research Program." So from the very beginning, even	11:14:37 13	A. I have read through it.
11:11:16 14	before you came over to the Department of Psychiatry, you	11:14:38 14	Q. You've read through it?
11:11:22 15	basically referred to yourself as co-principal	11:14:41 15	MR. ROBINSON: Have you seen it before?
11:11:26 16	investigator with Dr. McMahon; is that correct?	11:14:43 16	THE WITNESS: Yes, it was provided to me.
11:11:29 17	A. Yes, but he was not the principal investigator on any cooperative agreements with the CDC.	11:14:43 17	BY MS. DONOSSO:
11:11:34 18 11:11:42 19	Q. But he was on URADD?	11:14:46 18	Q. How was it provided to you?
11:11:42 19		11:14:47 19 11:14:50 20	A. Through McMahon's office.
11:11:49 21	A. URADD was my CDC grant. Q. But at least on this document, you did list	11:14:50 20 11:14:51 21	Q. Okay, and when was it provided to you?A. Sometime after September 19th, 2011.
11:11:43 21	him as a co-principal investigator?	11:14:54 22	A. Sometime after September 19th, 2011. Q. Okay, so you've seen this before, and did you
11:11:55 23	A. The university required an IRB for him to	11:14:56 23	provide a response as a result of you receiving this
11:12:02 24	participate in the grant and this is the IRB that was	11:14:30 23	document?
11:12:06 25	prepared for him.	11:15:00 25	A. I don't recall.
11112100 20	propured for min.	11.13.00 23	71. I don't recuii.
	Page 59		Page 60
11:15:04 1	Page 59 Q. There is actually like a response letter in	11:16:50 1	Page 60 but there have been definitely some concerns that were
11:15:04 1 11:15:08 2	_	11:16:50 1 11:16:54 2	but there have been definitely some concerns that were discussed with you in the previous exhibit that we
	Q. There is actually like a response letter in here. A. I may have. I don't recall.		but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you
11:15:08 2 11:15:11 3 11:15:13 4	 Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've 	11:16:54 2	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that?
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before?	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me.
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes.	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that?
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example,	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:32 10	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period?
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department.	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that?	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes.	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research,	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes.
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited.	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15 11:17:49 16	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research,	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes.
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:19 17	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:49 16 11:17:59 17	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:19 17 11:16:23 18	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15 11:17:49 16 11:17:59 17 11:18:01 18	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer?
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:19 17 11:16:23 18 11:16:26 19	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and register data as a direct threat to her and has proceeded	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15 11:17:49 16 11:17:59 17 11:18:01 18 11:18:02 19	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer? THE WITNESS: I'm not sure what the question
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:19 17 11:16:23 18 11:16:26 19 11:16:30 20	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and register data as a direct threat to her and has proceeded on many occasions to record any effort of any other	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:40 13 11:17:49 16 11:17:49 16 11:17:59 17 11:18:01 18 11:18:02 19 11:18:03 20	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer? THE WITNESS: I'm not sure what the question is.
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:12 18 11:16:26 19 11:16:30 20 11:16:32 21	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and register data as a direct threat to her and has proceeded on many occasions to record any effort of any other researcher to use the resource." Now, there is some there is some positive things. "She is productive in terms of writing grants	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:32 10 11:17:35 11 11:17:36 12 11:17:40 13 11:17:44 14 11:17:48 15 11:17:49 16 11:17:59 17 11:18:01 18 11:18:02 19 11:18:03 20 11:18:03 21	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer? THE WITNESS: I'm not sure what the question is. BY MS. DONOSSO: Q. So my question is: Some of the same concerns that have been raised in the June 2011 meeting by Dr.
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:11 16 11:16:21 18 11:16:22 18 11:16:30 20 11:16:32 21 11:16:38 22	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and register data as a direct threat to her and has proceeded on many occasions to record any effort of any other researcher to use the resource." Now, there is some — there is some positive things. "She is productive in terms of writing grants and publishing papers. As a clinical manager, she is	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:40 13 11:17:49 16 11:17:49 16 11:17:59 17 11:18:01 18 11:18:02 19 11:18:03 20 11:18:03 21 11:18:04 22	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer? THE WITNESS: I'm not sure what the question is. BY MS. DONOSSO: Q. So my question is: Some of the same concerns that have been raised in the June 2011 meeting by Dr. McMahon and Dr. Macintosh were also raised by your
11:15:08 2 11:15:11 3 11:15:13 4 11:15:16 5 11:15:16 6 11:15:17 7 11:15:28 8 11:15:32 9 11:15:46 10 11:15:56 11 11:15:59 12 11:16:05 13 11:16:06 14 11:16:06 15 11:16:11 16 11:16:19 17 11:16:23 18 11:16:26 19 11:16:30 20 11:16:32 21 11:16:38 22 11:16:38 22	Q. There is actually like a response letter in here. A. I may have. I don't recall. Q. Okay. We'll get to that later. So you've seen this before? A. Yes. Q. Okay. Now, in here there was a discussion on September 19th, 2011, regarding your third year formal review obviously, and as a result of that, some of the people present expressed some concerns, but, for example, in Bullet No. 3, concerned primarily with respect to collegiality, working well with others in the department. Do you see that? A. Yes. Q. Shared access in terms of autism research, professional contact with psychiatry faculty is limited. The following bullet point: "She made it quite clear to junior faculty that she views the use of the CDC and register data as a direct threat to her and has proceeded on many occasions to record any effort of any other researcher to use the resource." Now, there is some there is some positive things. "She is productive in terms of writing grants	11:16:54 2 11:17:02 3 11:17:05 4 11:17:07 5 11:17:13 6 11:17:18 7 11:17:22 8 11:17:26 9 11:17:35 11 11:17:36 12 11:17:40 13 11:17:40 13 11:17:49 16 11:17:49 16 11:17:59 17 11:18:01 18 11:18:02 19 11:18:03 20 11:18:03 21 11:18:04 22 11:18:04 22	but there have been definitely some concerns that were discussed with you in the previous exhibit that we discussed regarding the outline of expectations. Do you agree with that? A. These were not discussed with me. Q. Right. I mean, because you were not allowed to be in this meeting, but the concerns regarding collegiality, working well with others, were also brought up in this review. Do you agree with that? A. I believe that there like within what's the time period? Q. So this was just three months, so this meeting took place three months after the June 11th meeting you had with Dr. Macintosh and A. Yes. Q Dr. McMahon. Following MR. ROBINSON: I'm sorry, did you ever get an answer? THE WITNESS: I'm not sure what the question is. BY MS. DONOSSO: Q. So my question is: Some of the same concerns that have been raised in the June 2011 meeting by Dr.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 17 of 57

Page 61	Page 62
11:18:17 1 year reappointment review. 11:20:28 1 Q. I'll give you some time	to read it. So I
11:18:20 2 A. I have no idea who raised the concerns. 11:20:59 2 actually want to start reading it be	
11:18:22 3 Q. You're correct. We have no idea who raised 11:21:02 3 A. Okay.	
11:18:23 4 them, but they are listed in the document, which is a 11:21:02 4 Q. There are three pages to	it. So let's start
11:18:26 5 summary of the meeting? 11:21:07 5 with the third page, which has be	
11:18:28 6 A. Yes. 11:21:18 6 is an E-mail from you to Dean L	
11:18:29 7 Q. Okay. Following your receipt of this or 11:21:29 7 July 2nd, 2012, it states: "Dr. Pa	
11:18:44 8 following learning this, learning about this RPT, were 11:21:33 8 and suggested that you would be	
11:18:50 9 you concerned that your contract would not be renewed the 11:21:35 9 for me to contact for a consultati	
11:18:54 10 following year? 11:21:39 10 matter. Would it be possible for	
11:18:55 11 A. I was concerned I wouldn't pass RPT. 11:21:41 11 hour meeting at your earliest cor	nvenience?" Do you see
11:19:02 12 Q. You were not concerned that your contract 11:21:47 12 that?	•
11:19:04 13 would not be renewed the following year? 11:21:47 13 A. Yes.	
11:19:06 14 A. I saw that no matter what I did, I would have 11:21:48 14 Q. Would it be fair to say t	hat you didn't meet
11:19:11 15 no opportunity to defend myself. 11:21:50 15 with Dean Li for the first time u	ntil after this E-mail?
11:19:14 16 Q. But that wasn't my question. My question 11:21:58 16 A. So your question is: Di-	d I meet with Dr. Li
11:19:18 17 was: Following this RPT process, were you at all 11:22:01 17 after this E-mail?	
11:19:21 18 concerned that your contract would not be renewed? 11:22:02 18 Q. Did you meet with Dr. I	Li at all before this
11:19:23 19 A. I was concerned my contract would not be 11:22:06 19 E-mail?	
11:19:27 20 renewed because I reported the chairman of the department 11:22:06 20 A. I met with Dr. Parks bet	fore this E-mail.
11:19:36 21 with plagiarism. 11:22:09 21 Q. That's not my question.	Did you meet with
11:20:07 22 (Whereupon Exhibit 77 was marked for identification.) 11:22:13 22 Dr. Li before sending this E-mai	l ever?
11:20:07 23 BY MS. DONOSSO: 11:22:16 23 A. No.	
11:20:17 24 Q. Do you recognize this document? 11:22:16 24 Q. Okay.	
11:20:19 25 A. Yes. 11:22:20 25 A. But I had sent him some	e correspondence.
Page 63	Page 64
11:22:25 1 Q. But according to this E-mail, Dr. Parks gave 11:23:23 1 MR. ROBINSON: So your	
11:22:29 2 me your name and suggested that you would be appropriate 11:23:26 2 Dean Li's office was at the earliest 11:22:32 3 for me to consult with on this matter, so this sounds 11:23:31 3 THE WITNESS: I believe s	
	ou.
	uil where the DDD
11:22:42 6 administrative assistant, Christine Lasalle. 11:23:40 6 Q. Now, let's review the E-mail 11:22:42 7 Q. Okay, so the E-mails were between you and 11:23:46 7 number is 9950, and at the very top	
11:22:45 8 Christine Lasalle, not between you and Dr. Li? 11:23:53 8 July 6th, 2012. Do you see that?	, tills E-mail is dated
11:22:47 9 A. Correct. 11:23:57 9 A. Yes.	
11:22:47 10 Q. Okay. Next page. 11:23:57 10 Q. Do you believe that this E-	mail thread is a
11:22:50 11 MR. ROBINSON: May I just clarify? 11:24:01 11 true and correct copy of the E-mails	
11:22:53 12 THE WITNESS: Yes. 11:24:06 12 Li?	s that you sent to D1.
11:22:53 13 MR. ROBINSON: The E-mails to his 11:24:06 13 A. Yes.	
11:22:55 14 administrative support person, were those also in the 11:24:06 14 Q. It's states: "I have met with	h Dr. Blomaren
11:22:58 15 July 2012 timeframe? 11:24:12 15 last year when Dr. McMahon indica	-
11:23:01 16 THE WITNESS: I think they were in June but 11:24:16 16 contract during my third year RPT production in the contract during my third year RPT production.	•
11:23:02 17 I'm not exactly sure. 11:24:23 17 McMahon indicate he would not be	•
11:23:06 18 MR. ROBINSON: June of 2012? 11:24:28 18 during the RPT process?	Tellewing your contract
11:23:09 19 THE WITNESS: Correct. 11:24:29 19 A. Because he told me if I did	n't do evectly
11:23:10 20 MR. ROBINSON: So not before June 2012? 11:24:23 19 A. Because ne told me if I did 11:24:29 19 A. Because ne told me if I did 11:24:23 20 what he'd say, he'd get me.	ii i uo exactiy
11:23:13 21 THE WITNESS: Dean Li, no. 11:24:36 21 Q. What was said? The RPT	process or the
11.22.14.22 MD BODDISON, That is a secret before	process or the
1 ±±.40.±= 44 IVIN. NODINOUN. That is a, yes, her velote 1 11.24.39 22 outline expectations?	
11.24.35 22 Outline expectations:	the concerns about
11:23:16 23 June 2012; right? 11:24:40 23 A. When I brought up to him	
11:23:16 23 June 2012; right? 11:24:40 23 A. When I brought up to him	

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 18 of 57

	Page 65		Page 66
11:24:54 1	Q. Okay. Now, the out line of expectations	11:26:06 1	Q. Have you produced those during discovery?
11:24:55 2		11:26:10 2	MS. LEONARD: Yes.
11:25:00 3		11:26:14 3	BY MR. DONOSSO:
11:25:02 4	A. What is your question?	11:26:14 4	Q. And so that happened in April of 2011, so
11:25:03 5	Q. So when did he say this to you? During the	11:26:17 5	that did not happen during the outline of expectations
11:25:07 6		11:26:21 6	meeting; correct?
11:25:11 7		11:26:22 7	A. I think he said something to the effect that
11:25:14 8	not allowed to be there; isn't that correct?	11:26:25 8	I needed to do exactly what he said.
11:25:16 9	A. Yes.	11:26:28 9	Q. And that's a direct quote, you need to do
11:25:17 10	Q. Okay, so you were present during but you	11:26:31 10	exactly as I say?
11:25:20 11	were present during the meeting during the outline of	11:26:32 11	A. To the best of my knowledge. I mean, this
11:25:22 12	expectations as was Dr. Macintosh; correct?	11:26:36 12	has been a long time and it's previously been provided.
11:25:26 13	A. I received the letter of expectations after	11:26:46 13	MR. ROBINSON: I'm sorry, what has been
11:25:28 14	the meeting with Dr. Macintosh.	11:26:48 14	previously provided?
11:25:30 15	Q. Okay, so are you alleging that during the	11:26:50 15	THE WITNESS: The conversation, about the
11:25:33 16	meeting with Dr. Macintosh, Dr. McMahon said if you don't	11:26:53 16	conversation.
11:25:38 17	do exactly as I say during the IRB process, I will get	11:26:54 17	MR. ROBINSON: Where he said I'll get you?
11:25:43 18	you?	11:26:56 18	THE WITNESS: Uh-huh.
11:25:44 19	A. I'm saying that he said to me when I asked	11:26:57 19	MR. ROBINSON: And that language is in the
11:25:47 20	that the grant be transferred under my name, the IRB for	11:26:59 20	E-mail?
11:25:51 21	the grant be transferred under my name.	11:27:00 21	THE WITNESS: No, I'm not sure. That
11:25:52 22	Q. When did that conversation take place?	11:27:02 22	language was said to me in a private meeting.
11:25:54 23	A. It when I there are some E-mail strings	11:27:05 23	MR. ROBINSON: All right, so the language
11:26:00 24	about that when I met with him over the IRB issues and I	11:27:06 24	that you've given us that he would get you if you didn't
11:26:05 25	believe it was April of 2011.	11:27:09 25	do exactly what he said is not within an E-mails?
	Page 67		Page 68
11:27:13	_	11:28:16 1	MR. ROBINSON: I'm sorry.
11:27:14 2		11:28:18 2	THE WITNESS: I asked for a different mentor.
11:27:15	~ .	11:28:21 3	MR. ROBINSON: Oh, mentor. May I ask a
11:27:15		11:28:53 4	clarifying question? Did you report that conversation to
11:27:19 5	MR. ROBINSON: when he allegedly made that	11:28:56 5	anybody?
11:27:21	statement?	11:28:59 6	THE WITNESS: Yes.
11:27:21	THE WITNESS: Yes, it was during the meeting	11:29:00 7	MR. ROBINSON: Who?
11:27:23	I had with him to talk about IRB issues and changing the	11:29:04 8	THE WITNESS: Dean Li.
11:27:27	order of the PI on the IRBs.	11:29:05 9	MR. ROBINSON: After
11:27:32 10	MR. ROBINSON: All right, Ashley, are those	11:29:05 10	MS. LEONARD: Jeff, you have a lot of
11:27:34 11	E-mails within that group that you just sent us the other	11:29:08 11	questions, and it's Yvette's deposition. If she wants to
11:27:38 12	day?	11:29:12 12	clarify, she can clarify.
11:27:39 13	MS. LEONARD: Yes.	11:29:15 13	MR. ROBINSON: Okay. I apologize.
11:27:41 14	MR. ROBINSON: Okay.	11:29:15 14	BY MS. DONOSSO:
11:27:41 15	BY MS. DONOSSO:	11:29:17 15	Q. But you didn't meet with Dean Li until after
11:27:41 16	Q. And do the E-mails also say do as I say or is	11:29:20 16	July of 2012?
11:27:46 17	that also not on the E-mails?	11:29:21 17	A. I also told my new mentor.
11:27:50 18	A. The conversation was in person. The dates of	11:29:29 18	Q. Who is Dr. Macintosh?
11:27:54 19	the conversation and my follow-up with Dr. Botkin are in	11:29:32 19	A. Yes.
11:27:59 20	the E-mails.	11:29:32 20	Q. And when did you tell Dr. Macintosh?
11:28:00 21	Q. Was anybody present during that conversation?	11:29:36 21	A. When we'd meet together and I don't have the
11:28:02 22	MS. LEONARD: Objection. Asked and answered.	11:29:40 22	exact dates.
11:28:05 23	MR. ROBINSON: I didn't hear what she said.	11:30:01 23	Q. Okay. When you met with Dean Li, however,
	THE WITNESS: The meeting was alone with him	11:30:20 24	you were also trying to negotiate a transfer out of the
11:28:07 24	THE WITNESS. The meeting was alone with him		, , , , ,
11:28:07 24 11:28:13 25	~	11:30:24 25	department?

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 19 of 57

	Page 69		Page 70
11 20 05 1		11 20 12 1	_
11:30:25 1	A. I meet first with Dr. Parks over some	11:32:13 1	A. So I had approached him, Parks, in 2011 about
11:30:31 2 11:30:41 3	plagiarism issues and I believe it was May of 2012.	11:32:18 2	my concerns with Dr. McMahon and things that were
	Q. But you first had met with Dr. Blomgren	11:32:23 3 11:32:28 4	happening in the department and then I approached him
11:30:48 4 11:30:52 5	regarding the transfer before you met with Dean Li?	11:32:28 4	again in May 2012 and Blomgren said that the department
11:30:52 5	A. I had met with Dr. Parks about the transfer.	11:32:38 5	would need to approve my assistant research faculty
11:30:56 6	Q. Through Dr. Blomgren? A. I believe I first met with Dr. Parks. I	11:32:42 6	position. Q. What did they tell you when they got back to
11:30:39 7	think the year before I met with Dr. Parks about my	11:32:49 8	you?
11:31:02 8	concerns and then I met again with him in May, so what I	11:32:49 9	
11:31:16 10	recall is that I met first with him in 2011 about moving	11:32:53 10	3 11 3 11
11:31:16 10	-	11:32:58 11	
11:31:23 11	my grant to a different department and then I met with	11:32:36 11	A. I had to bring my grant with me.
11:31:29 12	him again in May of 2012. Q. And what was their response about	11:33:09 12	Q. Is that what they said? MR. ROBINSON: I don't want to incur the
11:31:38 14	transferring departments?	11:33:12 13	wrath of Ashley, but the CDC grant?
11:31:39 15		11:33:14 15	BY MS. DONOSSO:
11:31:43 16	A. If the grant was in my name, that shouldn't	11:33:14 16	Q. Or the URADD grant?
11:31:45 17	be a problem.		5
11:31:45 17	Q. But there was more to that. They made you an offer and what was the offer?	11:33:16 17 11:33:19 18	A. The URADD grant is the CDC grant. MR. ROBINSON: So you're talking about the
	A. What offer?	11:33:23 19	•
11:31:52 19 11:31:54 20		11:33:23 19	CDC grant?
11:31:58 21	Q. They had to take a vote before being able to transfer departments. They had to vote as a department	11:33:25 21	THE WITNESS: I had to bring my own funding
11:32:00 22		11:33:28 22	to the department. They didn't have money to fund my position.
	on what type of offer they could make you as far as a		1
11:32:04 23 11:32:09 24	professor position and what was their response to that?		MR. ROBINSON: I just want to make sure the
	A. So who? I'm not sure who.	11:33:30 24 11:33:35 25	grant you're referring to is the CDC grant.
11:32:11 25	Q. Dr. Blomgren.	11:33:35 25	THE WITNESS: Yes.
	Page 71		Page 72
11:33:35 1		11:38:56 1	_
11:33:35 1 11:33:35 2	MR. ROBINSON: Okay.	11:38:56 1 11:39:00 2	have worked with psychiatry and hope to again in the
			have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an
11:33:35 2	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO:	11:39:00 2	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that?
11:33:35 2 11:33:35 3	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize	11:39:00 2 11:39:05 3	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes.
11:33:35 2 11:33:35 3 11:37:25 4	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO:	11:39:00 2 11:39:05 3 11:39:07 4	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation,
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:37 7	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:37 7 11:37:50 8	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:37 7 11:37:50 8 11:37:56 9	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct?	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10 11:37:57 11	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10 11:37:57 11 11:38:07 12	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12 11:39:58 13	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that?
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12 11:39:58 13 11:40:01 14	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts.
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that?	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:49 11 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 8 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18 11:38:35 19	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that? A. Yes.	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18 11:40:17 19	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you understand that to mean?
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18 11:38:35 19 11:38:35 20	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that? A. Yes. Q. "This is a nontenure track research position	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18 11:40:17 19 11:40:21 20	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you understand that to mean? A. That both of us wanted this to happen in as
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18 11:38:35 19 11:38:39 21	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that? A. Yes. Q. "This is a nontenure track research position with no implied teaching responsibilities. This is also	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18 11:40:17 19 11:40:21 20 11:40:26 21	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you understand that to mean? A. That both of us wanted this to happen in as congenial of a manner as possible.
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:56 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18 11:38:35 19 11:38:35 20 11:38:39 21 11:38:42 22	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that? A. Yes. Q. "This is a nontenure track research position with no implied teaching responsibilities. This is also soft money and would require you to fund yourself on your	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18 11:40:17 19 11:40:21 20 11:40:26 21 11:40:32 22	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you understand that to mean? A. That both of us wanted this to happen in as congenial of a manner as possible. Q. What had been the discussions involving the
11:33:35 2 11:33:35 3 11:37:25 4 11:37:28 5 11:37:37 6 11:37:50 8 11:37:50 9 11:37:57 10 11:37:57 11 11:38:07 12 11:38:16 13 11:38:16 14 11:38:21 15 11:38:28 16 11:38:31 17 11:38:35 18 11:38:35 19 11:38:35 20 11:38:39 21 11:38:42 22 11:38:46 23	MR. ROBINSON: Okay. (Whereupon Exhibit 78 was marked for identification.) BY MS. DONOSSO: Q. This is another long thread and I apologize about that. Do you recognize this E-mail? A. Yes. Q. So it's an E-mail thread between you and Dr. Michael Blomgren during the timeframe of July of 2012; is that correct? A. Yes. Q. I'd like to draw your attention to the thread that is marked 9942 and 9943. A. Okay. Q. And looks like it's dated May 25th, 2012, but it's on Page 9943. It says: "Hi, Judy. Sorry for the delay in getting back to you. We had a faculty vote to offer you an assistant research faculty appointment." Do you see that? A. Yes. Q. "This is a nontenure track research position with no implied teaching responsibilities. This is also soft money and would require you to fund yourself on your grant projects." And then it goes on to say: "The only	11:39:00 2 11:39:05 3 11:39:07 4 11:39:08 5 11:39:15 6 11:39:18 7 11:39:22 8 11:39:26 9 11:39:44 10 11:39:52 12 11:39:58 13 11:40:01 14 11:40:05 15 11:40:07 16 11:40:09 17 11:40:14 18 11:40:17 19 11:40:17 19 11:40:21 20 11:40:26 21 11:40:32 22 11:40:37 23	have worked with psychiatry and hope to again in the future, they wanted to make sure this played out in an amicable fashion." Do you see that? A. Yes. Q. Okay. "I told them that was my expectation, but, of course, I couldn't guarantee anything since we're just starting this process. I'm fine with the letter to Tom Parks as you wrote it. Do you want to send it or should I?" So basically it would be a nontenure position, the way you were in psychiatry, right, as per your offer letter, and you'd also have to come up with your own grant money; correct? Is that how you understood that? A. It says that I would need to fund myself on grants and contracts. Q. Right, because it's soft money. What did you understand the part about we want to make sure we don't burn all bridges with psychiatry? What did you understand that to mean? A. That both of us wanted this to happen in as congenial of a manner as possible. Q. What had been the discussions involving the URADD and CDC grants?

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 20 of 57

	Page 73		Page 74
11:40:50 1	to me, they were the same thing.	11:45:34 1	Exhibit No. 24, so obviously the university was notifying
11:40:53 2	Q. But you were notified in separate letters	11:45:46 2	you that you were no longer the principal investigator
11:40:58 3	that you were removed from this CDC grant and the URADD	11:45:49 3	for the CDC grant in a separate letter then from the
11:41:02 4	directorship position, so they were separate in that	11:45:53 4	URADD one.
11:41:05 5	regard; correct?	11:46:01 5	A. What is the question?
11:41:08 6	A. I don't know how.	11:46:03 6	Q. Well, I asked you and you
11:41:09 7	Q. But obviously to the university they were	11:46:04 7	A. I can read it, yes.
11:41:11 8	because you received separate letters for that.	11:46:05 8	Q. And you said that you didn't see the
11:41:15 9	A. I received separate letters.	11:46:06 9	difference, but obviously do you see that the university
11:41:18 10	Q. Yes. Do you want me to show them to you?	11:46:09 10	saw it differently enough to send you two separate
11:41:22 11	A. No.	11:46:15 11	letters for each grant?
11:41:23 12	Q. Okay. Let me show you, for example,	11:46:17 12	A. My understanding was
11:44:22 13	beginning on Exhibit 21, this letter you were notified	11:46:17 13	Q. Just answer my question yes or no.
11:44:31 14	that as of December 14th you were no longer the director	11:46:17 14	A. I don't know what your question is.
11:44:34 15	of the URADD program. Do you see that?	11:46:20 15	Q. That the university saw a difference between
11:44:36 16	A. Yes.	11:46:23 16	URADD and CDC enough to send you two separate letters to
11:44:37 17	Q. Then through this letter, you were notified	11:46:27 17	remove you from each program?
11:44:46 18	that you were you're again just explicitly notified	11:46:29 18	A. I was confused by this letter.
11:44:51 19	that because now Deborah Bilder was the director, you	11:46:31 19	Q. That's not my question. Did they send you
11:44:54 20	didn't have the right to access the data. Do you see	11:46:33 20	two separate letters to remove you from each of the
11:44:58 21	that?	11:46:36 21	programs?
11:44:58 22	A. I can read the E-mails, yes, the letters.	11:46:36 22	A. I see they that they sent me two different
11:45:02 23	Q. The letters, okay. Then through this letter,	11:46:39 23	letters.
11:45:13 24	you were then removed from the access to complete the CDC	11:46:39 24	Q. Is that a yes?
11:45:19 25	grants and this was subsequently in February, and this is	11:46:41 25	A. Yes, I see that there are two different
	Page 75		Page 76
11:46:43 1	Page 75 letters.	11:49:05 1	Page 76
11:46:43 1 11:46:43 2		11:49:05 1 11:49:05 2	_
	letters.		letter.
11:46:43 2	letters. Q. Okay, so going back to my question: What did	11:49:05 2	letter. Q. Is that the letter where you were informed
11:46:43 2 11:47:00 3	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you	11:49:05 2 11:49:08 3	letter. Q. Is that the letter where you were informed you were no longer the director of URADD?
11:46:43 2 11:47:00 3 11:47:05 4	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning	11:49:05 2 11:49:08 3 11:49:11 4	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department?	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received?
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry?	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd,
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that.	11:49:05 2 11:49:08 3 11:49:11 4 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:44 13	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion	11:49:05 2 11:49:08 3 11:49:11 4 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter?
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 13 11:47:46 14 11:47:57 15 11:48:00 16	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13 11:49:45 14	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:34 11 11:47:41 12 11:47:41 13 11:47:46 14 11:47:57 15	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill?	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13 11:49:40 13 11:49:45 14 11:49:50 15	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 13 11:47:46 14 11:47:57 15 11:48:00 16	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13 11:49:40 13 11:49:45 14 11:49:50 15 11:49:50 15 11:49:52 17 11:49:56 18	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received?
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren.	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13 11:49:40 13 11:49:40 15 11:49:50 15 11:49:52 16 11:49:52 17	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17 11:48:06 18	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who?	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:39 12 11:49:40 13 11:49:40 13 11:49:45 14 11:49:50 15 11:49:50 15 11:49:52 17 11:49:56 18	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:40 14 11:47:57 15 11:48:00 16 11:48:08 19 11:48:08 19 11:48:18 21	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren. A. I'm not sure we talked about that. We may be did. I'm not sure.	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:33 11 11:49:39 12 11:49:40 13 11:49:45 14 11:49:50 15 11:49:51 17 11:49:52 17 11:49:51 18 11:49:57 19 11:49:58 20 11:50:34 21	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having conversations with Dr. Parks in July of 2012; is that
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17 11:48:08 19 11:48:14 20 11:48:14 20 11:48:18 21 11:48:19 22	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren. A. I'm not sure we talked about that. We may be did. I'm not sure. Q. Going back to Exhibit 21, that is the letter	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:30 12 11:49:40 13 11:49:40 13 11:49:50 15 11:49:52 17 11:49:52 17 11:49:52 17 11:49:53 18 11:49:57 19 11:49:58 20 11:50:34 21 11:50:39 22	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17 11:48:08 19 11:48:14 20 11:48:18 21 11:48:19 22 11:48:51 23	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren. A. I'm not sure we talked about that. We may be did. I'm not sure. Q. Going back to Exhibit 21, that is the letter that you received on December 13th, 2012. Do you recall	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:30 12 11:49:40 13 11:49:40 13 11:49:50 15 11:49:52 17 11:49:52 17 11:49:52 17 11:49:52 17 11:49:53 20 11:50:34 21 11:50:39 23	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having conversations with Dr. Parks in July of 2012; is that correct? A. 2011.
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:34 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17 11:48:08 19 11:48:14 20 11:48:18 21 11:48:19 22 11:48:51 23 11:49:01 24	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren. A. I'm not sure we talked about that. We may be did. I'm not sure. Q. Going back to Exhibit 21, that is the letter that you received on December 13th, 2012. Do you recall receiving that letter?	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:33 11 11:49:40 13 11:49:40 13 11:49:50 15 11:49:51 16 11:49:52 17 11:49:52 16 11:49:52 17 11:49:53 18 11:49:53 19 11:49:53 20 11:50:34 21 11:50:39 23 11:50:40 24	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having conversations with Dr. Parks in July of 2012; is that correct? A. 2011. Q. 2011. Dr. Li, I'm sorry, you began having
11:46:43 2 11:47:00 3 11:47:05 4 11:47:08 5 11:47:10 6 11:47:11 7 11:47:18 8 11:47:31 9 11:47:34 10 11:47:38 11 11:47:41 12 11:47:41 12 11:47:46 14 11:47:57 15 11:48:00 16 11:48:05 17 11:48:08 19 11:48:14 20 11:48:18 21 11:48:19 22 11:48:51 23	letters. Q. Okay, so going back to my question: What did Michael Blomgren what kind of discussions were you having with him that he was concerned about burning bridges with psychiatry if they brought you over to their department? A. It would be very difficult for the grant was a lot of money and we both wanted to be congenial. Q. Was there a discussion about maybe you bringing over URADD I mean, you bringing CDC and leaving URADD with the Department of Psychiatry? A. I'm not sure what their definition of URADD was. If it's the monies from the health department contract, then there was some discussion of that. Q. So is the answer, yes, there was a discussion about splitting the programs, you taking CDC and leaving URADD with Bill? A. Discussions with who? Q. With Blomgren. A. I'm not sure we talked about that. We may be did. I'm not sure. Q. Going back to Exhibit 21, that is the letter that you received on December 13th, 2012. Do you recall	11:49:05 2 11:49:08 3 11:49:11 4 11:49:12 5 11:49:15 6 11:49:15 7 11:49:16 8 11:49:25 9 11:49:32 10 11:49:35 11 11:49:30 12 11:49:40 13 11:49:40 13 11:49:50 15 11:49:52 17 11:49:52 17 11:49:52 17 11:49:52 17 11:49:53 20 11:50:34 21 11:50:39 23	letter. Q. Is that the letter where you were informed you were no longer the director of URADD? A. That's what it says. Q. Is that a true and correct copy of the letter you received? A. Yes. Q. I'd like to show what has been previously marked as Exhibit 22. It's a letter dated January 3rd, 2013. Do you recognize that document? It is signed by Dr. McMahon and Dr. Bilder. A. Yes. Q. That is the letter that clarifies you no longer have authority to collect data under the URADD program. Do you recall receiving that letter? A. Yes. Q. And is Exhibit 24 a true and correct copy of the letter that you received? A. Yes. Q. You earlier testified that you began having conversations with Dr. Parks in July of 2012; is that correct? A. 2011.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 21 of 57

		Page 77			Page 78
11:50:51	1	correct?	11:54:03	1	Q. Right, and this is where you begin alleging,
11:50:51	2	A. I started in June to his administrative	11:54:06	2	and I'll just read from the E-mail, since it speaks for
11:50:55	3	assistant.	11:54:09	3	itself, that Dr. McMahon has taken portions of you say
11:50:55	4	Q. Yes. Some of your discussions with Dr. Li	11:54:13	4	my IRB and moved them under his IRB and then you asked
11:51:09	5	involved your concerns that Dr. Bakian and Dr. McMahon		5	Dr. Li could you, please, include this as part of the
11:51:15	6	and Dr. Bilder were applying were updating or amending	11:54:25	6	issues you're looking into as I'm very concerned about my
11:51:23	7	an IRB; is that correct?	11:54:27	7	liability; is that correct?
11:51:25	8	A. I sent him an E-mail outlining my concerns	11:54:28	8	A. So what's your question?
11:51:33	9	about modifications to an IRB.		9	Q. So I'm just saying, so is this a true and
	10	Q. Okay. Let me show what we'll now mark as	11:54:32 1	.0	correct copy of the E-mail that you sent to Dr. Li?
	11	Exhibit 79.	11:54:34 1	1	A. Yes.
	12	(Whereupon Exhibit 79 was marked for identification.)	11:54:34 1		Q. Okay. Now, in October of 2012, I'm in the
	13	BY MS. DONOSSO:	11:54:46 1		next page, Dr. Li asked you: "I would like to resume the
	14	Q. Do you recognize this E-mail?	11:54:58 1		conversation about a possible transfer for Judy to the
	15	A. Yes.	11:55:01 1		College of Health." Do you see that?
	16	Q. Okay, and there is a second page behind it,	11:55:02 1		A. Yes.
11:53:14		by the way, it's kind of a complete thread. Are these	11:55:03 1		Q. But he said or yeah, that the E-mail says:
11:53:14		some do these E-mails, are these some of the concerns	11:55:09 1		"The database will continue to be housed inside
11:53:28		you shared with Dr. Li as well as with his administrative	11:55:13 1		psychiatry but will be accessible to all researchers with
11:53:34		assistant, Christine Lasalle, regarding Dr. McMahon's	11:55:19 2		the appropriate permissions. Are each of you committed
11:53:34		amendments to the original IRB?	11:55:23 2		to the shared access? I appreciate a simple yes or no.
	22	-			** * *
	23	A. I first shared these concerns with Dr. Parks	11:55:28 2 11:55:31 2		If both of you can commitment to this approach, then I
		in 2011 and Dr. Botkin and with the IRB and then I met			will arrange to get legal advice or other assistance
11:53:55 11:53:59		with McMahon about separating out our research	11:55:36 2 11:55:39 2		necessary to pursue this plan." Do you see that question there?
11:33:39	23	activities, which we did in separate IRBs.	11:55:39 2	.5	there?
		Page 79			Page 80
11:55:39	1	A. I see it.	11:57:01	1	able to use this data?
11:55:40	2	Q. Okay. What was your response to that	l		A Vas that was sould not show identifiable
		Q. Oliaj. What was jour response to that	11:57:02	2	A. Yes, that we could not share identifiable
11:55:46	3	proposal?	11:57:02 11:57:08	2	data.
11:55:46 11:55:47		proposal?			
	3	proposal? A. We drafted a response to Dean Li about	11:57:08	3	data.
11:55:47	3 4	proposal?	11:57:08 11:57:08	3 4	data. Q. But this was all de-identifiable information.
11:55:47 11:55:54	3 4 5	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues.	11:57:08 11:57:08 11:57:11	3 4 5	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this
11:55:47 11:55:54 11:56:05	3 4 5 6	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look	11:57:08 11:57:08 11:57:11 11:57:15	3 4 5 6	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data.
11:55:47 11:55:54 11:56:05 11:56:07	3 4 5 6 7	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21	3 4 5 6 7	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data.
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11	3 4 5 6 7 8 9	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know.	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24	3 4 5 6 7 8	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12	3 4 5 6 7 8 9	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD?	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29	3 4 5 6 7 8 9	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12	3 4 5 6 7 8 9 10	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns?	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33	3 4 5 6 7 8 9	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern.
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17	3 4 5 6 7 8 9 10 11	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1	3 4 5 6 7 8 9 10 11	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17 11:56:18	3 4 5 6 7 8 9 10 11 12 13	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1	3 4 5 6 7 8 9 10 11 12	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17 11:56:18 11:56:22	3 4 5 6 7 8 9 10 11 12 13 14	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1 11:57:37 1	3 4 5 6 7 8 9 10 11 12 13	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data?
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:18 11:56:22 11:56:27	3 4 5 6 7 8 9 10 11 12 13 14	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1 11:57:53 1 11:57:53 1 11:57:58 1 11:57:58 1	3 4 5 6 7 8 9 10 11 12 13 14	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:18 11:56:22 11:56:27 11:56:32	3 4 5 6 7 8 9 10 11 12 13 14 15	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1 11:57:44 1 11:57:53 1 11:57:58 1	3 4 5 6 7 8 9 10 111 112 113 114 115	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17 11:56:18 11:56:22 11:56:27 11:56:32 11:56:34	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data.	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1 11:57:53 1 11:57:53 1 11:57:58 1 11:58:01 1 11:58:04 1 11:58:07 1	3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:39	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 1 11:57:37 1 11:57:53 1 11:57:53 1 11:57:58 1 11:58:01 1 11:58:04 1 11:58:07 1 11:58:12 1	3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:39 11:56:43	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:53 11:57:58 11:58:01 11:58:01 11:58:07 11:58:07 11:58:12 11:58:15	3 4 5 6 7 8 9 110 111 122 133 144 115 116 117 118	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data.
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:43 11:56:43	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data.	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:53 11:57:58 11:58:01 11:58:01 11:58:07 11:58:07 11:58:12 11:58:12	3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17 18 19 20	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:43 11:56:47 11:56:48	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data. A. What IRB?	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:53 11:57:58 11:58:01 11:58:01 11:58:04 11:58:04 11:58:04 11:58:04 11:58:04 11:58:04 11:58:04	3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17 18 19 20 21	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play with the Utah State Office of Education?
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:43 11:56:47 11:56:48 11:56:48 11:56:50	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data. A. What IRB? Q. Okay. You said that you had a contract with	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:53 11:57:58 11:58:01 11:58:01 11:58:04 11:58:04 11:58:15 11:58:12 11:58:12 11:58:18 11:58:18 11:58:24 11:58:24	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 22 22 22	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play with the Utah State Office of Education? A. So in 2000 oh, in 2009, so we had been
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17 11:56:18 11:56:22 11:56:27 11:56:39 11:56:39 11:56:43 11:56:47 11:56:48 11:56:50 11:56:53	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data. A. What IRB? Q. Okay. You said that you had a contract with whom?	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:58 11:57:58 11:58:01 11:58:01 11:58:01 11:58:01 11:58:01 11:58:02 11:58:12 11:58:12 11:58:12 11:58:12 11:58:24 11:58:24 11:58:24 11:58:32	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 220 221 222 223	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play with the Utah State Office of Education? A. So in 2000 oh, in 2009, so we had been operating with a contract no, excuse me, not a
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:39 11:56:47 11:56:48 11:56:50 11:56:53	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data. A. What IRB? Q. Okay. You said that you had a contract with whom? A. The Utah State Office of Education.	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:58 11:57:58 11:58:01 11:58:01 11:58:01 11:58:01 11:58:01 11:58:02 11:58:12 11:58:12 11:58:12 11:58:13 11:58:24 11:58:24 11:58:36 2	3 4 5 6 7 8 9 10 111 112 113 114 115 116 117 118 119 220 221 222 223 224	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play with the Utah State Office of Education? A. So in 2000 oh, in 2009, so we had been operating with a contract no, excuse me, not a contract. A memorandum of understanding between the
11:55:47 11:55:54 11:56:05 11:56:07 11:56:11 11:56:12 11:56:17 11:56:18 11:56:22 11:56:32 11:56:34 11:56:39 11:56:43 11:56:47 11:56:48 11:56:48 11:56:50 11:56:53	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	proposal? A. We drafted a response to Dean Li about privacy concerns and asked that they continue to look into the privacy issues. Q. By the database, were they referring to URADD? A. I don't know. Q. So how were you able to respond to privacy concerns? A. So I had a contract with the Utah State Office of Education that did not allow me to share URADD data, so I don't believe I had the authority to agree to share any data I collected, that they would have to go back to the sources to ask for permission to share the data. Q. But Bill and Debbie were on I mean, if they were on those IRBs, they would all be able to use that data. A. What IRB? Q. Okay. You said that you had a contract with whom?	11:57:08 11:57:08 11:57:11 11:57:15 11:57:21 11:57:24 11:57:29 11:57:33 11:57:37 11:57:44 11:57:58 11:57:58 11:58:01 11:58:01 11:58:01 11:58:01 11:58:01 11:58:02 11:58:12 11:58:12 11:58:12 11:58:12 11:58:24 11:58:24 11:58:24 11:58:32	3 4 5 6 7 8 9 10 111 112 113 114 115 116 117 118 119 220 221 222 223 224	data. Q. But this was all de-identifiable information. A. The IRB was the sharing of identifiable data. Q. By the time the epidemiologist used this information, there were no identifiable data. A. No, the IRB added Bill added to his IRB that he wanted identifiable data that included from the CDC grant that included school and health data that was identifiable. That was the concern. Q. Okay, so in some of his grant proposals so was this a blanket statement that nobody could use this data, only you could use this data? A. I was I had a contract and I was under contractual arrangement with the State Office of Education, as well as the CDC. If a researcher wanted to use identifiable data, they would have to go back to the data sources for permission to use identifiable data. Q. And when did this contract come into play with the Utah State Office of Education? A. So in 2000 oh, in 2009, so we had been operating with a contract no, excuse me, not a

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 22 of 57

		Page 81			Page 82
11:58:43	1	The attorney general at the Utah State Office of	12:00:09	1	A. I have a copy
11:58:48	2	Education rescinded the agreement with the health	12:00:10	2	Q only Judy Zimmerman has the authority to
11:58:51	3	department.	12:00:14	3	control this data?
11:58:51	4	Q. In 2008; is that correct?	12:00:18	4	A. I have a contract with the State Office of
11:58:54	5	A. We'll have to look at the documents. And	12:00:22	5	Education allowing me to collect
11:58:54	6	that was a violation, that that agreement was in	12:00:22	6	Q. So at that time
11:59:00	7	violation of FERPA. The health department decided at	12:00:24	7	A the grant.
11:59:06	8	that point they did not want to negotiate with the State	12:00:25	8	Q in
11:59:10	9	Office of Education and they gave me approval to enter	12:00:26	9	MS. LEONARD: Will you let her finish her
11:59:14	10	into a contractual agreement with the State Office of	12:00:28	10	answer? You're just talking over each other.
11:59:18	11	Education in order to meet FERPA requirements.	12:00:31	11	BY MS. DONOSSO:
11:59:23	12	Q. Would that only be for an individual or would	12:00:31	12	Q. So at that time you're telling me that Patti
11:59:27	13	that be for an entity? Why would a state entity only	12:00:33	13	Harrington signed a contract that said the only person in
11:59:30	14	grant an individual and not an agency the right to this	12:00:36	14	the State of Utah that can control this data is Judy
11:59:33	15	data?	12:00:40	15	Zimmerman? That's your testimony today?
11:59:33	16	A. Because of FERPA privacy, so the data was	12:00:41	16	A. My testimony was my testimony is that I
11:59:39	17	being collected, identifiable data was being collected on	12:00:45	17	was the principal investigator on a contract that I had
11:59:45	18	children's education records without informed consent.	12:00:49	18	with the Utah State Office of Education. I went to the
11:59:51	19	Q. Why would a state agency limit this type of	12:00:53	19	State Office of Education and asked them if I could share
11:59:55	20	information only to one person when it applies to	12:00:57	20	the data and they said no. That is my testimony.
11:59:58	21	protected information?	12:01:04	21	MR. ROBINSON: Is that one of the documents
12:00:00	22	A. You would have to ask them. That was my	12:01:08	22	that have been produced?
12:00:04	23	understanding.		23	MS. LEONARD: I believe so.
12:00:05	24	Q. But that's your understanding. You have a		24	MR. ROBINSON: In this last batch of
12:00:07	25	copy of that contract where it says only		25	documents or is it before?
		Page 83			Page 84
	1	MS. LEONARD: No.	12:02:19	1	lost the chain of custody for that data and I had
	2	MR. ROBINSON: Is it one of the documents	12:02:22	2	received no permission from the Utah State Office of
12:01:09					
	3	that have been marked as an exhibit?	12:02:27	3	Education to share identifiable data with other
12:01:09	4	MS. LEONARD: I'm not sure.	12:02:31	4	researchers at the University of Utah.
12:01:09	4 5	MS. LEONARD: I'm not sure. BY MS. DONOSSO:	12:02:31 12:02:37	4 5	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want
12:01:09 12:01:12	4 5 6	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti	12:02:31 12:02:37 12:02:40	4 5 6	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm
12:01:09 12:01:12 12:01:15	4 5 6 7	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very	12:02:31 12:02:37 12:02:40 12:02:43	4 5 6 7	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information
12:01:09 12:01:12 12:01:15 12:01:19	4 5 6 7 8	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47	4 5 6 7 8	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help?
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21	4 5 6 7 8 9	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor.	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47 12:02:50	4 5 6 7 8	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay.
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24	4 5 6 7 8 9	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51	4 5 6 7 8 9	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27	4 5 6 7 8 9 10	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:53	4 5 6 7 8 9 10	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29	4 5 6 7 8 9 10 11	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission.	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:53 12:02:55	4 5 6 7 8 9 10 11	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about?
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29 12:01:29	4 5 6 7 8 9 10 11 12 13	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question?	12:02:31 12:02:37 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:53 12:02:55 12:02:55	4 5 6 7 8 9 10 11 12 13	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29 12:01:29 12:01:31	4 5 6 7 8 9 10 11 12 13	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO:	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55	4 5 6 7 8 9 10 11 12 13	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29 12:01:31 12:01:31	4 5 6 7 8 9 10 11 12 13 14	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:53 12:02:55 12:02:57 12:03:03	4 5 6 7 8 9 10 11 12 13 14 15	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department.
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34	4 5 6 7 8 9 10 11 12 13 14 15 16	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:53 12:02:55 12:02:57 12:03:03 12:03:05	4 5 6 7 8 9 10 11 12 13 14 15	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:24 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:38	4 5 6 7 8 9 10 11 12 13 14 15 16	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you?	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:02:55 12:03:03 12:03:03 12:03:05 12:03:07	4 5 6 7 8 9 10 11 12 13 14 15 16	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:38 12:01:41	4 5 6 7 8 9 10 11 12 13 14 15 16 17	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes.	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:03 12:03:05 12:03:07 12:03:10	4 5 6 7 8 9 10 11 12 13 14 15 16 17	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award.
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:41 12:01:42	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:03 12:03:05 12:03:07 12:03:10 12:03:12	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish,
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:34 12:01:38 12:01:41 12:01:42 12:01:50	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:03 12:03:05 12:03:10 12:03:12 12:03:13	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:41 12:01:42 12:01:50 12:01:56	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not allow you to to allow you to transfer this database	12:02:31 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:03 12:03:05 12:03:10 12:03:11 12:03:13 12:03:19	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your testimony, we can, you said you had a contract with the
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:41 12:01:42 12:01:50 12:01:56 12:02:00	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not allow you to to allow you to transfer this database with you to the Department of Health?	12:02:31 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:05 12:03:05 12:03:10 12:03:11 12:03:12 12:03:19 12:03:22	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your testimony, we can, you said you had a contract with the Utah State Office of Education and you claim that that
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:41 12:01:42 12:01:50 12:01:56 12:02:00 12:02:02	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not allow you to to allow you to transfer this database with you to the Department of Health? A. I had sought clarification because I knew,	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:05 12:03:07 12:03:10 12:03:11 12:03:11 12:03:12 12:03:22 12:03:27	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your testimony, we can, you said you had a contract with the Utah State Office of Education and you claim that that contract allowed you and only you to access the data in
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:38 12:01:41 12:01:50 12:01:50 12:02:00 12:02:02 12:02:08	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not allow you to to allow you to transfer this database with you to the Department of Health? A. I had sought clarification because I knew, had reason to believe that identifiable data from my CDC	12:02:31 12:02:37 12:02:40 12:02:43 12:02:50 12:02:51 12:02:55 12:02:55 12:02:57 12:03:03 12:03:05 12:03:10 12:03:12 12:03:12 12:03:12 12:03:22 12:03:27 12:03:32	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your testimony, we can, you said you had a contract with the Utah State Office of Education and you claim that that contract allowed you and only you to access the data in the URADD database. What contract is that? Can you tell
12:01:09 12:01:12 12:01:15 12:01:19 12:01:21 12:01:27 12:01:29 12:01:31 12:01:31 12:01:34 12:01:41 12:01:42 12:01:50 12:01:56 12:02:00 12:02:02	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MS. LEONARD: I'm not sure. BY MS. DONOSSO: Q. I've never seen this contract that says Patti Harrington only gave you permission to share this very highly protected A. My contract was with Jocelyn Taylor. Q. Jocelyn Taylor is a program director. She would never have authority to give you that type of permission. MS. LEONARD: Is that a question? BY MS. DONOSSO: Q. Would Jocelyn Taylor be able to give you permission to control the data for 160,000 children in the State of Utah? Does that make sense to you? A. Yes. Q. Okay, and so on that basis, you believe that that that is what is allowing you to ask Dean Li to not allow you to to allow you to transfer this database with you to the Department of Health? A. I had sought clarification because I knew,	12:02:31 12:02:40 12:02:43 12:02:47 12:02:50 12:02:51 12:02:55 12:02:55 12:02:55 12:03:03 12:03:05 12:03:10 12:03:11 12:03:11 12:03:12 12:03:22 12:03:27	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	researchers at the University of Utah. MR. ROBINSON: Ashley, I know you don't want me to ask questions but hoping to save some time. I'm just trying to find, get some identification information regrading contracts so I can go find it. Can you help? MS. LEONARD: Okay. MR. ROBINSON: Dr. Zimmerman, can you tell me what the year of this contract was that you're talking about? THE WITNESS: There were several grant awards and they followed when Patti Harrington retracted the contract with the health department. MR. ROBINSON: Oh, I'm sorry, I'm looking for the contract that you referred to THE WITNESS: It was a grant award. MR. ROBINSON: Wait a minute. Let me finish, if I could, please. You said, if we need to look at your testimony, we can, you said you had a contract with the Utah State Office of Education and you claim that that contract allowed you and only you to access the data in

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 23 of 57

		Page 85			Page 86
12:03:39	1	THE WITNESS: There is a C20 I think is the	12:04:39	1	A. It was a grant award that I was listed as the
12:03:42	2	term on it.	12:04:42	2	PI. It went through the Office of Sponsored Projects.
12:03:43	3	MR. ROBINSON: C20.	12:04:46	3	Q. So that's different. If it went through the
12:03:44	4	THE WITNESS: Grant award.	12:04:49	4	Office of Sponsored Projects, it didn't come from the
12:03:45	5	MR. ROBINSON: C20 grant award, and what year	12:04:53	5	Utah State Office of Education then.
12:03:49	6	are we talking about?	12:04:55	6	A. Let me let me see if can clarify.
12:03:50	7	THE WITNESS: It followed after Patti	12:04:56	7	MR. ROBINSON: Was it a CDC grant award?
12:03:52	8	Harrington retracted, rescinded the MOA with the Utah	12:04:59	8	THE WITNESS: Let me see if I can clarify for
12:03:58	9	Department of Health.	12:05:00	9	you. So the CDC, so we collected identifiable health and
12:03:58	10	BY MS. DONOSSO:	12:05:06	10	education data.
12:03:59	11	Q. So that MOA was in 2008 and then that is	12:05:07	11	BY MS. DONOSSO:
12:04:03	12	correct, I just saw this document yesterday.	12:05:07	12	Q. Okay. You're confusing the issue. Let's
12:04:06	13	A. Uh-huh. Uh-huh. Uh-huh.	12:05:10	13	let's
12:04:07	14	Q as I was preparing for this, and then	12:05:10	14	MS. LEONARD: She's trying to clarifying.
12:04:09	15	thereafter Carol Leer was involved; is that correct? Do	12:05:10	15	BY MS. DONOSSO:
12:04:12	16	you recognize that name?	12:05:12	16	Q. Because you just told me that you felt that
12:04:14	17	A. Yes.	12:05:14	17	the Utah State Office of Education gave you the
12:04:14	18	Q. And then after that there was just a simple	12:05:18	18	jurisdiction or authority and only you to have access to
12:04:17	19	letter that was sent out that said with these parameters	12:05:23	19	this data.
12:04:22	20	and it was like it was a list, now we feel comfortable	12:05:24	20	MR. ROBINSON: You called it a contract.
12:04:25	21	with you guys using this data. Is that what you're	12:05:25	21	BY MS. DONOSSO:
12:04:29	22	talking about? There was like a letter sent, kind of	12:05:25	22	Q. You called it a contract, so we need to go
12:04:31	23	like an MOA that just kind of listed it out, but it was	12:05:28	23	find this contract.
12:04:35	24	not a contract between you and anybody. It was just like	12:05:29	24	A. You know, I'm not sure in terms of the legal
12:04:38	25	a letter.	12:05:32	25	terms that you want to use for this.
		Page 87			Page 88
12:05:34	1	Q. And usually the Utah State Office of	12:07:05	1	MR. ROBINSON: During the lunch break?
12:05:40	2	Education only uses MOUs or MOAs.	12:07:10	2	MS. LEONARD: I don't have my computer with
12:05:42	3	A. It was I was paid so the CDC, so there	12:07:11	3	me.
12:05:45	4	was a position statement from the US Department of	12:07:11	4	THE WITNESS: I was following the directions
12:05:49	5	E4			_
12:05:56		Education that the MOAs were not in compliance with FERPA	12:07:14	5	that the Utah State Office of Education gave me to allow
	6	that education departments were using to do CDC	12:07:22	6	us them to continue to collect data for the CDC grant.
12:06:00	7	that education departments were using to do CDC surveillance activities, so they advised people to do a	12:07:22 12:07:27	6 7	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document
12:06:07	7 8	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you	12:07:22 12:07:27 12:07:30	6 7 8	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure
12:06:07 12:06:13	7 8 9	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I	12:07:22 12:07:27 12:07:30 12:07:32	6 7 8 9	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced?
12:06:07 12:06:13 12:06:17	7 8 9 10	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33	6 7 8 9	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes.
12:06:07 12:06:13 12:06:17 12:06:22	7 8 9 10 11	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33 12:07:34	6 7 8 9 10	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26	7 8 9 10 11	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33 12:07:34 12:07:39	6 7 8 9 10 11 12	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch?
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30	7 8 9 10 11 12	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data.	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33 12:07:34 12:07:39 12:07:41	6 7 8 9 10 11 12 13	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are.
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:32	7 8 9 10 11 12 13	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41	6 7 8 9 10 11 12 13	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30	7 8 9 10 11 12 13	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data.	12:07:22 12:07:27 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44	6 7 8 9 10 11 12 13 14	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:32 12:06:34 12:06:36	7 8 9 10 11 12 13 14 15	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied?	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:47	6 7 8 9 10 11 12 13 14 15	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:36 12:06:37	7 8 9 10 11 12 13 14 15 16	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:47 12:07:47	6 7 8 9 10 11 12 13 14 15 16	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:32 12:06:34 12:06:37 12:06:41	7 8 9 10 11 12 13 14 15 16 17	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you.	12:07:22 12:07:30 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:44 12:07:47 12:07:51 12:07:54	6 7 8 9 10 11 12 13 14 15 16 17	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a
12:06:07 12:06:13 12:06:17 12:06:22 12:06:30 12:06:32 12:06:34 12:06:37 12:06:41 12:06:45	7 8 9 10 11 12 13 14 15 16 17 18	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me.	12:07:22 12:07:37 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:47 12:07:51 12:07:51 12:07:54	6 7 8 9 10 11 12 13 14 15 16 17 18	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address
12:06:07 12:06:13 12:06:17 12:06:22 12:06:30 12:06:32 12:06:34 12:06:37 12:06:41 12:06:45 12:06:49	7 8 9 10 11 12 13 14 15 16 17 18 19	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:51 12:07:51	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying,
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:36 12:06:41 12:06:45 12:06:49 12:06:51	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates number or something that identifies the document that she	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:55 12:07:57 12:07:57 12:08:01 12:08:04	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying, yes, we think that if this is done, this will address
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:36 12:06:41 12:06:45 12:06:49 12:06:51 12:06:54	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates number or something that identifies the document that she relies on for this concept that she and only she can have	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:55 12:07:54 12:07:54	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying, yes, we think that if this is done, this will address everything.
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:37 12:06:41 12:06:49 12:06:51 12:06:54 12:06:57	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates number or something that identifies the document that she relies on for this concept that she and only she can have access to the URADD data?	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:54 12:07:54 12:07:54 12:07:54 12:07:56 12:08:01 12:08:04 12:08:06 12:08:06	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying, yes, we think that if this is done, this will address everything. A. They directed how it was to be handled, their
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:37 12:06:41 12:06:49 12:06:51 12:06:54 12:06:57 12:06:59	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates number or something that identifies the document that she relies on for this concept that she and only she can have access to the URADD data? MS. LEONARD: We can go back and look through	12:07:22 12:07:30 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:54 12:07:55 12:08:01 12:08:01 12:08:06 12:08:09	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying, yes, we think that if this is done, this will address everything. A. They directed how it was to be handled, their lawyers at the Utah State office.
12:06:07 12:06:13 12:06:17 12:06:22 12:06:26 12:06:30 12:06:34 12:06:37 12:06:41 12:06:49 12:06:51 12:06:54 12:06:57	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	that education departments were using to do CDC surveillance activities, so they advised people to do a contract and pay the person to do it. So whether you want to call it a grant award or contract, that was how I got the authority to collect the data, school data, and the health department made a decision not to be involved in that and that they would only request back from me health data. MR. ROBINSON: So all I want to know is the document. Can you identify the document on which you relied? THE WITNESS: I will we can give you the discovery items that we've provided to you. MR. ROBINSON: Well, that doesn't help me. Ashley, can you provide us with a Bates number or something that identifies the document that she relies on for this concept that she and only she can have access to the URADD data?	12:07:22 12:07:30 12:07:32 12:07:33 12:07:34 12:07:41 12:07:41 12:07:44 12:07:51 12:07:54 12:07:54 12:07:54 12:07:54 12:07:56 12:08:01 12:08:04 12:08:06 12:08:06	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	us them to continue to collect data for the CDC grant. MR. ROBINSON: So you believe this document that she's referring to is within the initial disclosure documents that were produced? MS. LEONARD: Yes. MR. ROBINSON: Okay. Very good. Are we going to take a lunch? MS. DONOSSO: We are. Q. We're going to take a lunch and I'm going to go pull that document that says I mean, after the USOE said we have issues with your data, they then sent a letter back saying we feel you sent them a letter saying let me clarify this, you then sent them a letter saying I think if I do this, this will address your concerns and then they sent a letter back saying, yes, we think that if this is done, this will address everything. A. They directed how it was to be handled, their

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 24 of 57

		Page 89			Page 90
12:08:13	1	final document is what gives you the authority to do that	12:09:08	1	MS. LEONARD: What time do you want to be
12:08:16	2	once all of those drafts back and forth went through, you	12:09:10	2	back?
12:08:20	3	believe that's what gives you the authority to do that?	12:09:11	3	MS. DONOSSO: Maybe 1:00.
12:08:23	4	A. To do what?	12:09:19	4	(Whereupon a recess was taken.)
12:08:25	5	Q. To be able to be the person who gathers and	12:09:19	5	BY MS. DONOSSO:
12:08:30	6	collects data.	13:11:00	6	Q. Okay. Prior to the break, you had testified
12:08:33	7	A. Yes.	13:11:08	7	that in your initial disclosures you believed that you
12:08:33	8	MR. ROBINSON: And nobody else can have	13:11:14	8	had provided us a document that gave you authorization to
12:08:33	9	access to it but you?	13:11:27	9	have control over the data from the Utah State Office of
12:08:34	10	THE WITNESS: According to the CDC	13:11:40	10	Education; is that correct?
12:08:36	11	guidelines, I can't share.	13:11:41	11	A. Yes.
12:08:37	12	MR. ROBINSON: I just want to know what	13:11:42	12	Q. Okay, so during the break, we went through
12:08:39	13	document you're lying on for that proposition.	13:11:53	13	and we found, because I want to make sure we're all on
12:08:40	14	BY MS. DONOSSO:	13:12:00	14	the same page, we found the original MOU that is dated
12:08:40	15	Q. Because Utah State Office of Education is	13:12:12	15	July 1st of 2008. We produced it in discovery. It was
12:08:42	16	very different than CDC. They're separate entities. Do	13:12:17	16	Zimmerman PRD855 through 857, so we'll go ahead and now
12:08:47	17	you agree with that?	13:12:25	17	produce it as what will be marked as Exhibit 80.
12:08:49	18	MS. LEONARD: She realizes that.	13:12:42	18	(Whereupon Exhibit 80 was marked for identification.)
12:08:51	19	THE WITNESS: I realize that.	13:12:42	19	BY MS. DONOSSO:
12:08:52	20	BY MS. DONOSSO:	13:12:43	20	Q. Do you recognize that document?
12:08:52	21	Q. Okay.	13:12:44	21	A. This is the second, not the original MOA with
12:08:54	22	A. That that is the crux of my questions to	13:12:48	22	the Utah Department of Health and Utah State Office of
12:08:56	23	the privacy office.	13:12:53	23	Education.
12:08:59	24	Q. Okay. We'll take a lunch break and go look	13:12:53	24	Q. That's correct. The original one is dated
	25	for that document.	13:12:57	25	2004. So that is the second one that is dated 2008;
					,
		Page 91			Page 92
13:13:02	1	correct?	13:14:27	1	State Office of Education.
13:13:02	2	A. Yes.	13:14:27	2	Q. And you previously testified that you it
13:13:03	3	Q. And then after a year later in 2009, you	13:14:30	3	is your recollection that you gave me that document in
13:13:07	4	received a letter signed from Dr. Patti Harrington	13:14:34	4	discovery; is that correct?
13:13:14	5	informing you that she regretted that she had to rescind	13:14:39	5	A. Yeah.
13:13:18	6	the MOA signed in 2008. I will now give what we will go	13:14:40	6	Q. Okay. Here is what you provided to me as
13:13:37	7	ahead and mark as Exhibit No. 81.	13:14:46	7	part of your initial disclosures. It was marked
13:13:37	8	(Whereupon Exhibit 81 was marked for identification.)	13:14:52	8	Documents 1 through 55 and this is what was supplemented
13:13:37	9	BY MS. DONOSSO:	13:14:56	9	to me a couple days ago. I would now like you to go
13:13:37	10	Q. That was also produced by us with PRD numbers	13:15:01	10	through these binders and show to me what is that
13:13:43	11	955. Do you recognize that letter?	13:15:03	11	document that gives you authority to exclusively access
13:13:44	12	A. This is a letter not to me but it's to the	13:15:08	12	that information.
13:13:47	13	health department.	13:15:10	13	MS. LEONARD: You really want her to go
13:13:48	14	Q. Yeah, but you were	13:15:13	14	through all of this?
13:13:48	15	A. Cc'd.	13:15:14	15	MS. DONOSSO: I really do want to.
13:13:48	16	Q cc'd on it at the bottom. Is that a true	13:15:17	16	MS. LEONARD: Well, this is an exhibit book
13:13:53	17	and correct copy that you received from Dr. Harrington?	13:15:18	17	of the exhibits that we've used so far and Documents 1
13:13:56	18	A. Yes.	13:15:21	18	through 558, we're going to spend time to go through all
13:13:56	19	Q. Okay, and it's your testimony that sometime	13:15:27	19	of those?
13:13:59	20	thereafter you received some documentation that you	13:15:28	20	MS. DONOSSO: Right.
	21	believed gave you the authority to be able to exclusively	13:15:29	21	THE WITNESS: And aren't there 5,000
13:14:07		access the data from the State Office of Education; is	13:15:31	22	documents?
13:14:07 13:14:12	22				
		that correct?	13:15:32	23	MS. DONOSSO: No, there aren't.
13:14:12	23	A. I received a document that allowed us to	13:15:32 13:15:33		MS. DONOSSO: No, there aren't. MR. ROBINSON: No, but these are the
13:14:12 13:14:17	23 24			24	

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 25 of 57

		Page 93			Page 94
13:15:37	1	MS. DONOSSO: This is everything that you've	13:16:33	1	that's your question.
13:15:39	2	given me in this lawsuit.	13:16:33	2	MR. ROBINSON: Well, we're probably not going
13:15:40	3	THE WITNESS: Did you get documents from	13:16:35	3	to agree on this point. We probably have to agree to
13:15:45	4	Phoenix EEOC?	13:16:39	4	disagree, but if Donna will keep track of the time, how
13:15:46	5	MR. ROBINSON: That doesn't matter. What you	13:16:45	5	long it takes, and then we can fight about that in court
13:15:48	6	told us earlier is that the document that you were	13:16:47	6	if we need to.
13:15:50	7	referring to was in these documents. We can't readily	13:16:48	7	MS. LEONARD: Okay.
13:15:55	8	identify what document you're referring to, so we'd like	13:17:12	8	THE WITNESS: Can I ask a question?
13:15:58	9	you to identify it for us.	13:17:12	9	BY MS. DONOSSO:
13:15:59	10	MS. DONOSSO: Okay. Can you track how long	13:17:14	10	Q. Sure.
13:16:05	11	it takes her to go through it? I don't want my time	13:17:15	11	A. Did the privacy office of the university, did
13:16:07	12	to	13:17:17	12	you ask them for documents?
13:16:07	13	MS. LEONARD: No, this is your time. This is	13:17:19	13	MR. ROBINSON: You know what? It doesn't
13:16:09	14	your time.	13:17:21	14	matter.
13:16:11	15	MS. DONOSSO: No, because it is your job,	13:17:21	15	THE WITNESS: Okay.
13:16:12	16	this is her lawsuit, if whatever document	13:17:21	16	MR. ROBINSON: Because the issue is you
13:16:15	17	MS. LEONARD: But this is your deposition.	13:17:24	17	testified that the document to which you're referring was
13:16:17	18	MS. DONOSSO: Yeah.	13:17:28	18	produced among these documents that you're going through,
13:16:18	19	MS. LEONARD: You've asked her to go through	13:17:33	19	so if you can just find that document for us, we'd
13:16:20	20	all the documents that we've produced to you. It's your	13:17:36	20	appreciate it.
13:16:23	21	time.	13:17:57	21	THE WITNESS: Are these tabbed by document?
13:16:24	22	MS. DONOSSO: No, absolutely not. I get to	13:17:59	22	Is each tab a separate document?
13:16:26	23	ask her whatever questions I want.	13:18:03	23	MR. ROBINSON: You mean the little yellow
13:16:28	24	MS. LEONARD: Right, and you've asked her to	13:18:06	24	tab?
13:16:28	25	go through all the documents that you've given here,	13:18:07	25	THE WITNESS: Yeah.
		Da 0.5			Page 96
10 10 00		Page 95			Page 96
					-
13:18:08	1	MR. ROBINSON: I don't believe so.	13:30:18	1	school data from Jordan.
13:18:10	2	THE WITNESS: Okay.	13:30:18	2	school data from Jordan. MR. ROBINSON: That doesn't answer the
13:18:10 13:28:46	2	THE WITNESS: Okay. So here's the one from Jordan School	13:30:18 13:30:21	2	school data from Jordan. MR. ROBINSON: That doesn't answer the question.
13:18:10 13:28:46 13:28:48	2 3 4	THE WITNESS: Okay. So here's the one from Jordan School District, 314.	13:30:18 13:30:21 13:30:21	2 3 4	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate
13:18:10 13:28:46 13:28:48 13:28:57	2 3 4 5	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO:	13:30:18 13:30:21 13:30:21 13:30:23	2 3 4 5	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58	2 3 4 5 6	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also	13:30:18 13:30:21 13:30:21 13:30:23 13:30:27	2 3 4 5 6	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education.
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23	2 3 4 5 6 7	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail	13:30:18 13:30:21 13:30:21 13:30:23 13:30:27 13:30:28	2 3 4 5 6 7	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23 13:29:23	2 3 4 5 6 7 8	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure.	13:30:18 13:30:21 13:30:21 13:30:23 13:30:27	2 3 4 5 6	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document?
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23	2 3 4 5 6 7 8	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill.	13:30:18 13:30:21 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28	2 3 4 5 6 7 8 9	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District.
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25	2 3 4 5 6 7 8 9	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail?	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:28	2 3 4 5 6 7 8 9	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25 13:29:27	2 3 4 5 6 7 8 9 10	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:28 13:30:32	2 3 4 5 6 7 8 9 10	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District.
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23 13:29:25 13:29:25 13:29:27 13:29:28	2 3 4 5 6 7 8 9 10 11 12	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011.	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:28 13:30:32	2 3 4 5 6 7 8 9 10 11	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one.
13:18:10 13:28:46 13:28:48 13:28:57 13:28:58 13:29:23 13:29:25 13:29:27 13:29:28 13:29:33	2 3 4 5 6 7 8 9 10 11 12 13	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:32 13:30:32	2 3 4 5 6 7 8 9 10 11 12 13	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25 13:29:27 13:29:28 13:29:33 13:29:36	2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production.	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34	2 3 4 5 6 7 8 9 10 11 12 13 14	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one.
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25 13:29:27 13:29:33 13:29:33 13:29:34 13:29:44	2 3 4 5 6 7 8 9 10 11 12 13 14	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder.	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:31 13:30:34 13:30:34 13:30:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25 13:29:27 13:29:33 13:29:33 13:29:34 13:29:44	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:35 13:30:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:23 13:29:25 13:29:27 13:29:33 13:29:36 13:29:44 13:29:44 13:29:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:34 13:30:34 13:30:38 13:30:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:33 13:29:36 13:29:44 13:29:46 13:29:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data?	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:32 13:30:34 13:30:34 13:30:35 13:30:38 13:30:41 13:30:45	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information,
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:33 13:29:36 13:29:42 13:29:44 13:29:46 13:29:51 13:29:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:38 13:30:41 13:30:45 13:30:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District?
13:18:10 13:28:46 13:28:57 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:36 13:29:42 13:29:44 13:29:46 13:29:51 13:29:51 13:29:51 13:29:51 13:29:57 13:30:03	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter into an agreement with the State Office of Education and one school district required us to enter into the agreement. This is Jordan School District.	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:34 13:30:41 13:30:45 13:30:49 13:30:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District? THE WITNESS: I would read through it. MR. ROBINSON: Well, I'm not asking I can read through it. I'm asking is it your belief that that
13:18:10 13:28:46 13:28:48 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:36 13:29:42 13:29:44 13:29:46 13:29:51 13:29:51 13:29:54 13:29:57 13:30:03 13:30:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter into an agreement with the State Office of Education and one school district required us to enter into the agreement. This is Jordan School District. MR. ROBINSON: I know this is the Jordan	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:41 13:30:45 13:30:45 13:30:55 13:30:57 13:31:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District? THE WITNESS: I would read through it. MR. ROBINSON: Well, I'm not asking I can read through it. I'm asking is it your belief that that document gives you exclusive access to information
13:18:10 13:28:46 13:28:48 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:36 13:29:44 13:29:46 13:29:51 13:29:51 13:29:54 13:29:57 13:30:03 13:30:06 13:30:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter into an agreement with the State Office of Education and one school district required us to enter into the agreement. This is Jordan School District. MR. ROBINSON: I know this is the Jordan School District. Is this the document that you believe	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:35 13:30:41 13:30:45 13:30:54 13:30:54 13:30:55 13:30:57 13:31:00 13:31:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District? THE WITNESS: I would read through it. MR. ROBINSON: Well, I'm not asking I can read through it. I'm asking is it your belief that that document gives you exclusive access to information obtained from Jordan School District?
13:18:10 13:28:46 13:28:48 13:28:58 13:29:23 13:29:25 13:29:27 13:29:28 13:29:36 13:29:44 13:29:46 13:29:51 13:29:54 13:29:57 13:30:03 13:30:06 13:30:07 13:30:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter into an agreement with the State Office of Education and one school district required us to enter into the agreement. This is Jordan School District. MR. ROBINSON: I know this is the Jordan School District. Is this the document that you believe that gives you exclusive access to URADD?	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:34 13:30:35 13:30:41 13:30:55 13:30:57 13:30:57 13:31:00 13:31:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District? THE WITNESS: I would read through it. MR. ROBINSON: Well, I'm not asking I can read through it. I'm asking is it your belief that that document gives you exclusive access to information obtained from Jordan School District? THE WITNESS: I believe that it does not
13:18:10 13:28:46 13:28:48 13:28:58 13:29:23 13:29:25 13:29:27 13:29:27 13:29:36 13:29:44 13:29:46 13:29:51 13:29:51 13:29:54 13:29:57 13:30:03 13:30:06 13:30:07	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	THE WITNESS: Okay. So here's the one from Jordan School District, 314. BY MS. DONOSSO: Q. Can you show that to me? If you can also look for that E-mail A. Sure. Q between you and Bill. A. What E-mail? Q. The one where you allegedly had the conversation with him in April of 2011. MS. LEONARD: That was in the new production. MS. DONOSSO: That is in this binder. MR. ROBINSON: Is this the document that you believe gives you authority to exclusively access the URADD data? THE WITNESS: So we were required to enter into an agreement with the State Office of Education and one school district required us to enter into the agreement. This is Jordan School District. MR. ROBINSON: I know this is the Jordan School District. Is this the document that you believe	13:30:18 13:30:21 13:30:23 13:30:27 13:30:28 13:30:28 13:30:32 13:30:34 13:30:35 13:30:41 13:30:45 13:30:54 13:30:54 13:30:55 13:30:57 13:31:00 13:31:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	school data from Jordan. MR. ROBINSON: That doesn't answer the question. THE WITNESS: Jordan District had a separate agreement, separate from the Utah State Office of Education. MR. ROBINSON: You think this is that document? THE WITNESS: For Jordan School District. MR. ROBINSON: I understand that, but you THE WITNESS: I'm still looking for the other one. MR. ROBINSON: But I'm just trying to understand now what you believe this document does. Is it your is it my understanding that your testimony is that the document you just showed us from Jordan School District gives you exclusive access to the information, the data received from Jordan School District? THE WITNESS: I would read through it. MR. ROBINSON: Well, I'm not asking I can read through it. I'm asking is it your belief that that document gives you exclusive access to information obtained from Jordan School District?

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 26 of 57

	Page 97		Page 98
13:31:13 1	else.	13:39:16 1	weren't sure if it was a contract but you said there was
13:31:13 2	MR. ROBINSON: Okay. That is my question.	13:39:18 2	a document from the Utah State Office of Education that
13:31:15 3	THE WITNESS: Okay. Thank you.	13:39:24 3	gave you exclusive authority to access the URADD data, so
13:31:17 4	MR. ROBINSON: That's your answer to my	13:39:30 4	that is the document we're asking you to look for. Now,
13:31:19 5	question, yes.	13:39:33 5	I don't know if any I mean, what I've seen so far
13:31:24 6	MS. DONOSSO: Let me go make a copy of this	13:39:35 6	MS. DONOSSO: None of these are from the Utah
13:31:27 7	document.	13:39:37 7	State Office of Education.
13:31:27 8	MR. ROBINSON: Do you want me to go do that?	13:39:37 8	MR. ROBINSON: these came from the Jordan
13:31:29 9	MS. DONOSSO: Okay.	13:39:40 9	School District. There's a University of Utah letter. I
13:31:45 10	THE WITNESS: There is also an earlier Jordan	13:39:43 10	mean, where is the document that you claim
13:31:51 11	School District contract. I'll keep looking to see if	13:39:47 11	THE WITNESS: Look at C20 and the agreement.
13:31:54 12	that is in here as well.	13:39:51 12	MR. ROBINSON: C20.
13:33:46 13	Here's the other one from Jordan, 411.	13:39:53 13	THE WITNESS: Grant award. I had a grant
13:34:59 14	Here are some E-mails between me and Jocelyn	13:39:55 14	from education.
13:35:03 15	Taylor, 421 and 422, 426, 437 and 439.	13:39:58 15	MR. ROBINSON: I just want to know what
13:38:45 16	I contacted the state office to see if they	13:39:59 16	document you rely for the proposition that you have
13:38:51 17	had approved any agreement with McMahon.	13:40:05 17	exclusive authority to access the URADD data.
13:38:57 18	MR. ROBINSON: Well, I think we're getting	13:40:09 18	THE WITNESS: I have just provided them to
13:39:00 19	beyond the scope of what you're supposed to be looking	13:40:12 19	you.
13:39:02 20	for.	13:40:12 20	MR. ROBINSON: So all those documents that
13:39:03 21	THE WITNESS: Are you done? Do you want me	13:40:14 21	you pulled are the ones that you think do that; is that
13:39:05 22	to keep looking?	13:40:17 22	correct?
13:39:07 23	MR. ROBINSON: Let's make sure you understand	13:40:18 23	THE WITNESS: Yes.
13:39:09 24	the parameter of our inquiry, because your testimony, Dr.	13:40:18 24	MR. ROBINSON: Okay, so I'll go make copies
13:39:11 25	Zimmerman, was that you had a contract and then you	13:40:21 25	of all of these and then we can mark them all as an
	Zimmermani, was that you had a contract and then you		
	Page 99		Page 100
13:40:25 1	exhibit and identify them for the record so we know which	13:42:12 1	data.
13:40:30 2	documents we're talking about.	13:42:12 2	MS. LEONARD: What is your question to that?
13:40:30 3	BY MS. DONOSSO:	13:42:14 3	BY MS. DONOSSO:
13:40:33 4	Q. You do realize the C20 is just a fund	13:42:14 4	Q. How does this document give you the sole
13:40:40 5	approval form that is signed by Patti and it's just a	13:42:17 5	authority to control that data?
13:40:45 6	\$10,000 award and nowhere on this document does it say	13:42:19 6	MS. LEONARD: And I'll object to the
13:40:52 7	something to the effect of Judy Zimmerman has exclusive	13:42:20 7	question. It misstates her testimony. She's testified
13:40:58 8	control of the data?	13:42:23 8	that the collective documents that she's just provided
13:41:01 9	A. My testimony is that I could not release data	13:42:27 9	MS. DONOSSO: Okay. Let's go through the
13:41:05 10	that I obtained unless I had approval from the data	13:42:29 10	next document.
13:41:09 11	source. If Jocelyn Taylor or the state office requested	13:42:30 11	MR. ROBINSON: Let's get copies and mark
13:41:14 12	me to get give any other person the data that I	13:42:32 12	those, so they're part of the record.
13:41:19 13	collected in their behalf, I would have been happy to	13:44:07 13	THE WITNESS: Can I run to the restroom?
13:41:23 14	give it to them.	13:44:13 14	MS. LEONARD: Sure.
13:41:24 15	Q. That's correct, but you say this is the	13:44:13 15	COURT REPORTER: Go off record?
13:41:26 16	document that does that because it has Patti's signature	13:44:15 16	MS. DONOSSO: Yeah.
13:41:29 17	and Jocelyn's name on it, but this all that this does	13:44:32 17	(Whereupon a recess was taken.)
	is give you an amount or an amount of amendment of	13:50:25 18	(Whereupon Exhibit 82 was marked for identification.)
13:41:35 18		12.50.05 10	BY MS. DONOSSO:
	\$10,000 and it says objective of award four, six- and	13:50:25 19	B1 Ms. Borrosso.
13:41:35 18	\$10,000 and it says objective of award four, six- and eight-year-old pupils in 2006 living in Utah, and then it	13:50:25 19	Q. I've handed what we will now mark as Exhibit
13:41:35 18 13:41:39 19	eight-year-old pupils in 2006 living in Utah, and then it has one through five, and it just says mean age of		Q. I've handed what we will now mark as Exhibit No. 82. This is a packet of documents that you have
13:41:35 18 13:41:39 19 13:41:45 20	eight-year-old pupils in 2006 living in Utah, and then it has one through five, and it just says mean age of pupils, prevalent differences, classification shifting	13:50:25 20	Q. I've handed what we will now mark as Exhibit No. 82. This is a packet of documents that you have taken out the binder of documents that you produced to us
13:41:35 18 13:41:39 19 13:41:45 20 13:41:49 21	eight-year-old pupils in 2006 living in Utah, and then it has one through five, and it just says mean age of pupils, prevalent differences, classification shifting over time, autism exceptionality, proportion of pupils	13:50:25 20 13:50:30 21	Q. I've handed what we will now mark as Exhibit No. 82. This is a packet of documents that you have taken out the binder of documents that you produced to us as part of your initial disclosures and these are the
13:41:35 18 13:41:39 19 13:41:45 20 13:41:49 21 13:41:54 22	eight-year-old pupils in 2006 living in Utah, and then it has one through five, and it just says mean age of pupils, prevalent differences, classification shifting over time, autism exceptionality, proportion of pupils and then it's dated May 20th of 2009. Nowhere does it	13:50:25 20 13:50:30 21 13:50:35 22	Q. I've handed what we will now mark as Exhibit No. 82. This is a packet of documents that you have taken out the binder of documents that you produced to us as part of your initial disclosures and these are the documents that you believe that you believe support
13:41:35 18 13:41:39 19 13:41:45 20 13:41:49 21 13:41:54 22 13:41:56 23	eight-year-old pupils in 2006 living in Utah, and then it has one through five, and it just says mean age of pupils, prevalent differences, classification shifting over time, autism exceptionality, proportion of pupils	13:50:25 20 13:50:30 21 13:50:35 22 13:50:42 23	Q. I've handed what we will now mark as Exhibit No. 82. This is a packet of documents that you have taken out the binder of documents that you produced to us as part of your initial disclosures and these are the

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 27 of 57

	D 101		Dama 100
	Page 101		Page 102
13:51:03 1	authority from the Utah State Office of Education to	13:52:50 1	authority over the information of school children
13:51:06 2	exclusively have exclusive authority over the URADD data;	13:52:58 2	provided by the Utah State Office of Education?
13:51:14 3	is that correct?	13:53:01 3	A. Item No. 1, and will not be disclosed to any
13:51:15 4	A. These are the documents that I gave to the	13:53:05 4	other party and will be stripped of all and any personal
13:51:18 5	privacy office to seek clarification if identifiable data	13:53:09 5	and identifiable information.
13:51:24 6	that I collected from the Utah State Office of Education	13:53:10 6	Q. Now, this letter is addressed to Ms.
13:51:28 7	and local school districts if I was allowed to do that.	13:53:15 7	Henderson. It's not addressed to you. So Item No. 1,
13:51:33 8	Q. Okay, so let's go through each of these	13:53:19 8	nowhere does it say Dr. Zimmerman is the only person who
13:51:41 9	documents separately. Let's begin with the one on top	13:53:24 9	has exclusive authority over this information; is that
13:51:45 10	that is dated November 9th, 2011. Do you see that one on	13:53:27 10	correct?
13:51:51 11	top?	13:53:28 11	A. It is saying that I can't disclose it to
13:51:52 12	A. Yes.	13:53:31 12	another party not involved in URADD.
13:51:52 13	Q. It is JPZ 314 through 315.	13:53:35 13	Q. That is correct. It says data obtained in
13:51:59 14	A. Yes.	13:53:39 14	this project will be retained by URADD in compliance with
13:52:00 15	Q. This is a letter that is signed actually	13:53:43 15	FERPA and will not be disclosed to any other party. Now,
13:52:04 16	it's not signed by Clyde Mason. It's signed by you and	13:53:49 16	that would imply that anybody working in your suite, like
13:52:09 17	Amy Henderson. And it's regarding a project that	13:53:54 17	your abstractors, Dr. Bilder, Dr. McMahon, your
13:52:20 18	apparently was similar to a project that was conducted in	13:53:59 18	epidemiologist, anybody working in the project would have
13:52:24 19	2005 and it proposes some procedural safeguards regarding	13:54:01 19	access to this data.
13:52:31 20	the Jordan School District, some Jordan School District	13:54:02 20	A. The only people we gave access to the data
13:52:36 21	information from the Jordan School District; is that	13:54:05 21	was under minimum necessary to do their work, so if they
13:52:39 22	correct?	13:54:09 22	needed identifiable data to do their work, they had
13:52:40 23	A. Yes.	13:54:12 23	access; if they didn't, they didn't have access.
13:52:40 24	Q. So how do you believe that the safeguards	13:54:15 24	Q. Because you work with other people on this
13:52:45 25	that are listed in this letter gives you exclusive	13:54:17 25	project; correct?
	Page 103		Page 104
13:54:22 1	A. The CDC grant staff, yes.	13:55:45 1	A. The CDC grant staff had access to the data on
13:54:24 2	Q. And you also worked with other people on	13:55:49 2	the basis of need to know to do their job.
13:54:28 3	URADD. You were not only the URADD employee, you were	13:55:53 3	Q. So this letter does not say you're the
13:54:33 4	not the only person working in the URADD grant?	13:55:56 4	exclusive person authorized to work on the URADD project?
13:54:37 5	A. Dr. Bilder was not working on the grant,	13:56:03 5	A. My I don't know what you want me to say.
13:54:39 6	neither was Dr. McMahon.	13:56:06 6	Q. I just want you to answer my question.
13:54:42 7	Q. Did Dr. Bakian work on the URADD grant?	13:56:08 7	A. I thought I did. The project had access, so
13:54:45 8	A. She did until June of 2012.	13:56:14 8	me alone, no; my staff, yes.
13:54:48 9	Q. Did anybody else work under the URADD grant?	13:56:17 9	Q. Okay.
13:54:52 10	A. The data abstractors and the project	13:56:20 10	MR. ROBINSON: Anybody working on the URADD
13:54:55 11	coordinator.	13:56:22 11	project?
13:54:56 12	Q. So they would've had to have access; correct?	13:56:23 12	THE WITNESS: If you mean the CDC grant, yes.
13:54:58 13	A. They were part of the URADD project, yes.	13:56:27 13	MR. ROBINSON: Anybody working
13:55:00 14	Q. Okay, so why would you interpret that	13:56:27 14	THE WITNESS: No.
13:55:03 15	language to mean that only you would have access to that	13:56:28 15	MR. ROBINSON: on the URADD project had
13:55:07 16	information?	13:56:30 16	access to the URADD data?
13:55:07 17	A. I said the URADD project would have access to	13:56:32 17	THE WITNESS: No.
13:55:11 18	it as related to what was necessary for them to do their	13:56:32 18	BY MS. DONOSSO:
13:55:17 19	work, so, for example, a clinician reviewer would have	13:56:36 19	Q. Then how could they help you do their job? I
13:55:23 20	been part of the URADD project but would have no need to	13:56:39 20	mean, you're not an epidemiologist. I mean, someone
13:55:27 21	see identifiable data, and was, therefore, not given any	13:56:44 21	would have to help you. Amanda Bakian would have to help
13:55:30 22	access to identifiable information, so it was based on	13:56:47 22	you while she's working on that grant.
13:55:35 23	the ability for them to do their job.	13:56:51 23	A. People were given access based on their need
13:55:39 24	Q. So you were not the only exclusive party who	13:56:53 24	to do their job.
13:55:44 25	would be able to access the data?	13:56:55 25	Q. That's correct. As long as they needed to
<u> </u>			C

	Page 105		Page 106
13:56:56 1	assist you.	13:58:07 1	Q. That wasn't my question. My question was:
13:56:56 2	A. So if Dr. Bakian or whatever epidemiologist I	13:58:12 2	
13:57:00 3	hired had need to access identifiable data, they would be	13:58:16 3	
13:57:04 4	given access to the data. If they didn't have a need to	13:58:23 4	State Office of Education's data regarding the students?
13:57:07 5	access the data, they weren't given access.	13:58:26 5	A. Me, myself, no; project staff, yes.
13:57:10 6	MR. ROBINSON: So PIs on the project could	13:58:29 6	Q. Okay. Next letter, it's dated June 1st,
13:57:15 7	access the data; right?	13:58:41 7	
13:57:17 8	MS. LEONARD: Jeff, Yvette can ask clarifying	13:58:51 8	carefully reviewing the URADD proposal, I'm in full
13:57:20 9	questions. It's her deposition.	13:58:54 9	1 1 ,
13:57:20 10	Do you have a question, Yvette?	13:58:58 10	participate with the Utah State Department of Health and
13:57:20 11	BY MS. DONOSSO:	13:59:01 11	the University Department of Medicine. We've reviewed
13:57:20 12	Q. Can you answer that question?	13:59:08 12	the procedural safeguards implemented to assure
13:57:21 13	A. Can you say it again?	13:59:12 13	confidentiality and compliance." Where in this letter
13:57:22 14	Q. Yeah, so the PI on the project could access	13:59:17 14	does it say that you will have the exclusive authority or
13:57:24 15	the data?	13:59:23 15	jurisdiction over the data?
13:57:24 16	A. I would access it per my need. If I didn't	13:59:24 16	A. The safeguards that we provided to them were
13:57:28 17	to need to look at identifiable data, I didn't, depending	13:59:26 17	the CDC policies and procedures of how confidentiality
13:57:32 18	on what function I was doing, and the files were arranged	13:59:31 18	would be maintained.
13:57:36 19	within the partition site based on the person's function.	13:59:31 19	Q. That's not my question. Where does it say
13:57:46 20	Q. So the purpose of this letter was not to give	13:59:34 20	anywhere on this letter Judy Zimmerman is the only person
13:57:52 21	you exclusive access to the Jordan School District's	13:59:39 21	who can access the data or who has exclusive control of
13:57:57 22	database?	13:59:43 22	the data?
13:57:58 23	A. I believe that I did not have the authority	13:59:43 23	A. In the second paragraph, it says: "We have
13:58:01 24	to release any identifiable information outside of my	13:59:45 24	reviewed the procedural safeguards implemented by the
13:58:06 25	staff.	13:59:48 25	study to ensure confidentiality and compliance with
13.30.00	Start.	10.03.10 20	study to ensure confidentiality and compliance with
	Page 107		Page 108
13:59:52 1	Page 107	14:00:44 1	
13:59:52 1 13:59:54 2	-	14:00:44 1 14:00:47 2	Q. Can you, please, just answer my question?
	FERPA."		Q. Can you, please, just answer my question?A. I thought I had.
13:59:54 2	FERPA." Q. Does that say Judy Zimmerman is the only	14:00:47 2	Q. Can you, please, just answer my question?A. I thought I had.Q. You haven't. Where on this letter does it
13:59:54 2 13:59:58 3	FERPA." Q. Does that say Judy Zimmerman is the only person?	14:00:47 2 14:00:48 3	 Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive
13:59:54 2 13:59:58 3 13:59:59 4	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant.	14:00:47 2 14:00:48 3 14:00:50 4	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say?	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that?
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that?
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:00 7	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it.
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:00 7 14:01:04 8	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO:	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:00 7 14:01:04 8 14:01:06 9	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:00 7 14:01:04 8 14:01:06 9 14:01:16 10	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study?	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:00 7 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter?	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that?
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:08 11 14:00:12 13 14:00:12 13 14:00:15 14 14:00:16 15	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh.
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:19 16	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:19 16 14:00:22 17	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:22 17 14:00:25 18	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data?	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17 14:01:41 18	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:22 17 14:00:25 18 14:00:26 19	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data? A. I believe it does and that's why I asked for clarification from the privacy office. Q. But under the expressed terms of this letter,	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17 14:01:41 18 14:01:45 19	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have been implemented, and then it goes on to list the FERPA
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:22 17 14:00:25 18 14:00:26 19 14:00:29 20	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data? A. I believe it does and that's why I asked for clarification from the privacy office.	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17 14:01:41 18 14:01:45 19 14:01:49 20	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have been implemented, and then it goes on to list the FERPA compliance concerns, one through five. Do you see that? A. Uh-huh, yes.
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:22 17 14:00:25 18 14:00:26 19 14:00:29 20 14:00:32 21	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data? A. I believe it does and that's why I asked for clarification from the privacy office. Q. But under the expressed terms of this letter,	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17 14:01:41 18 14:01:45 19 14:01:49 20 14:01:51 21	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have been implemented, and then it goes on to list the FERPA compliance concerns, one through five. Do you see that? A. Uh-huh, yes.
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 10 14:00:05 10 14:00:05 11 14:00:12 13 14:00:12 13 14:00:15 14 14:00:16 15 14:00:22 17 14:00:25 18 14:00:29 20 14:00:32 21 14:00:35 22	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data? A. I believe it does and that's why I asked for clarification from the privacy office. Q. But under the expressed terms of this letter, it doesn't give you any exclusive control over the data	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:38 17 14:01:41 18 14:01:45 19 14:01:49 20 14:01:51 21	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have been implemented, and then it goes on to list the FERPA compliance concerns, one through five. Do you see that? A. Uh-huh, yes. Q. Okay, and then in the second page it says: "With these safeguards in place, our concerns regarding
13:59:54 2 13:59:58 3 13:59:59 4 14:00:00 5 14:00:02 6 14:00:03 7 14:00:04 8 14:00:05 9 14:00:05 10 14:00:08 11 14:00:09 12 14:00:12 13 14:00:15 14 14:00:16 15 14:00:21 17 14:00:22 17 14:00:25 18 14:00:29 20 14:00:32 21 14:00:35 22 14:00:34 23	FERPA." Q. Does that say Judy Zimmerman is the only person? A. It says CDC grant. Q. It doesn't say CDC grant. Where does it say? A. It says the study. MS. LEONARD: Just answer her question. THE WITNESS: Sorry. Sorry. BY MS. DONOSSO: Q. It says the study. It doesn't say the CDC study? A. This was the CDC study. Q. Does it even mention you by name in this letter? A. It's addressed to me. Q. I understand that, but does it say anywhere in this letter that you have exclusive authority to only access the data? A. I believe it does and that's why I asked for clarification from the privacy office. Q. But under the expressed terms of this letter, it doesn't give you any exclusive control over the data or the study?	14:00:47 2 14:00:48 3 14:00:50 4 14:00:55 5 14:00:59 6 14:01:04 8 14:01:06 9 14:01:16 10 14:01:22 11 14:01:25 12 14:01:28 13 14:01:32 14 14:01:34 15 14:01:35 16 14:01:35 16 14:01:41 18 14:01:45 19 14:01:45 22 14:01:51 21	Q. Can you, please, just answer my question? A. I thought I had. Q. You haven't. Where on this letter does it say Judy Zimmerman is the only person who has exclusive control over URADD, the CDC or the data? Can you point to a sentence that says that? A. I have already told you my answer. I don't have anything else to add to it. Q. Next document, dated June 3rd, 2005, JPZ 412 and 413. It's a letter signed by Clyde W. Mason. It says: "Dear Dr. Zimmerman. In January of 2004, you submitted a request to conduct a research project in the Jordan School District concerning the Utah Registry of Autism and Development." Do you see that? A. Uh-huh. Q. And then it says that the school district had some FERPA concerns and then it goes on to say that it's his understanding that certain procedural safeguards have been implemented, and then it goes on to list the FERPA compliance concerns, one through five. Do you see that? A. Uh-huh, yes. Q. Okay, and then in the second page it says: "With these safeguards in place, our concerns regarding

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 29 of 57

	Page 109		Page 110
14:02:08 1	"thank you for your interest." Where in this letter does	14:03:23	1 THE WITNESS: I'm sorry.
14:02:11 2	it say something to the effect of Judy Zimmerman is the		2 BY MS. DONOSSO:
14:02:15 3	only person who has the exclusive control or jurisdiction	14:03:24	O. You've told me that these are the documents
14:02:18 4	over URADD or the database?	14:03:27	4 that you believed give you the authority to have access
14:02:20 5	A. So I sought legal clarification from Lyle	14:03:32	5 to the data.
14:02:26 6	Odendahl in 2006, 2007, and the health department gave a	14:03:33	6 A. And I have indicated that I sought legal
14:02:31 7	legal opinion that we did not have the authority to	14:03:36	7 counsel.
14:02:35 8	release any data to the CDC, including deidentified data,	14:03:36	8 Q. And you then used these documents to go file
14:02:40 9	because of this agreement.	14:03:39	9 complaints with the IRB because you felt that this is
14:02:41 10	Q. Okay. That's not my question, ma'am. Where	14:03:42 1	
14:02:44 11	in this letter does it say that you are the only person	14:03:45 1	you where on these documents it states that you're the
14:02:47 12	who is authorized to have control over URADD or over the	14:03:50 1	person who is authorized to do that?
14:02:51 13	registry or over the database or over the data?	14:03:52 1	A. Because I received the authorization from the
14:02:58 14	MS. LEONARD: Objection. Asked and answered.	14:03:55 1	district as a grantee to do the study.
14:03:00 15	She's testified multiple times that she and her staff	14:03:59 1	Q. Okay, so show me where these documents say
14:03:05 16	were the only ones who had access to the CDC data.	14:04:02 1	6 that.
14:03:09 17	You can answer.	14:04:05 1	MR. ROBINSON: Your counsel can't answer the
14:03:10 18	THE WITNESS: Yes.	14:04:07 1	question for you, Dr. Zimmerman. You need to answer it
14:03:12 19	MR. ROBINSON: Yes, what?	14:04:10 1	9 yourself.
14:03:13 20	BY MS. DONOSSO:	14:04:10 2	THE WITNESS: I'm not sure I understand your
14:03:14 21	Q. Yes, what?	14:04:12 2	question. I've answered it the best I can.
14:03:14 22	A. Yes, my staff and I were the only ones that	14:04:14 2	BY MS. DONOSSO:
14:03:18 23	had access to that data. That was my understanding.	14:04:14 2	Q. Are there other documents besides these
14:03:20 24	MR. ROBINSON: That doesn't answer the	14:04:16 2	documents that show that?
14:03:22 25	question.	14:04:17 2	A. I'm sure the State Office of Education has
	Da wa 111		Da wa 110
	Page 111		Page 112
14:04:20 1	records regarding these contracts and agreements.		1 MS. LEONARD: I don't know what this binder
14:04:24 2	Q. Then why haven't you provided those to us		2 is.
14:04:27 3	during discovery, if they exist?		3 MR. ROBINSON: Those are the supplemental
14:04:28 4	A. Because I don't have access to them. The		documents that were produced just this week.
14:04:31 5	Utah State Office of Education would.		5 MS. DONOSSO: Are there any more in the
14:04:34 6	Q. Then why hasn't your counsel requested them		supplemental binder that we should let her review after
14:04:37 7	during this lawsuit? She can access them through GRAMA.		7 I'm done with these? 8 MS. LEONARD: I don't think so. I don't
14:04:42 8	She can access them through any other means.		
14:04:47 9	MS. LEONARD: It would be speculation on	14:05:35 1	mion: There are over too accumulation in there. There
14:04:49 10 14:04:49 11	Judy's part why I didn't do something.	14:05:35 1	
14:04:49 11	BY MS. DONOSSO: Q. Okay. Are these let's continue through	14:05:37 1	-
14:04:54 13	these. These are the only documents that you found in	14:05:44 1	
	that binder that you've produced that you believe gave	14:05:48 1	
14:04:57 14 14:04:59 15	you the authority; is that correct?	14:05:50 1	5
14:04:39 15	A. So far, yes.	14:05:50 1	
14:05:02 17	Q. Okay.	14:05:52 1	¥.
14:05:03 18	MR. ROBINSON: So far?	14:05:53 1	
14:05:05 19	THE WITNESS: I finished. I didn't go	14:05:56 1	
14:05:07 20	through the rest. I stopped when I found these.	14:05:57 2	
14:05:10 21	MS. LEONARD: She went through that binder.	14:06:00 2	
14:05:10 21	MR. ROBINSON: She went through this binder?	14:06:07 2	
14:05:15 23	MS. LEONARD: Yes.	14:06:13 2	
		14:06:14 2	•
14:05:15 24	MR. ROBINSON: And earlier you told us that	11.00.11 2	
14:05:15 24 14:05:17 25	MR. ROBINSON: And earlier you told us that the document was in that binder.	14:06:29 2	•

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 30 of 57

	Page 113		Page 114
14:06:30 1	MR. ROBINSON: Very good.	14:07:58 1	really yes, yes, it does not provide that authority.
14:06:31 2	BY MS. DONOSSO:	14:08:05 2	THE WITNESS: Yes.
14:06:32 3	Q. Let's look at the next document. It's dated	14:08:07 3	MR. ROBINSON: Correct?
14:06:35 4	February 23rd, 2009. It's actually a letter from you to	14:08:10 4	THE WITNESS: Yes.
14:06:41 5	Jocelyn Taylor and you expressed your gratitude for their	14:08:10 5	BY MS. DONOSSO:
14:06:49 6	support to the URADD project and you actually just kind	14:08:12 6	Q. Okay. Let's move to the following document,
14:06:56 7	of give her a report of the collaboration that has	14:08:14 7	which is this C20 award approval, which is dated May 20,
14:07:00 8	happened throughout the years and you kind of tell her	14:08:21 8	2009. Do you see that?
14:07:04 9	what has happened, that the code has been modified, that	14:08:23 9	A. Uh-huh, yes.
14:07:07 10	you've spoken with Lyle Odendahl and Carol Leer and that	14:08:24 10	Q. Okay, so this is also monitored by Jocelyn
14:07:11 11	there has been a memorandum of understanding. How does	14:08:31 11	Taylor. It's signed by Superintendent Patti Harrington
14:07:15 12	this kind of summary of events give you exclusive	14:08:38 12	and it's regarding a project involving an award of
14:07:23 13	authority over URADD and over the data?	14:08:41 13	\$10,000. Do you see that?
14:07:26 14	A. The purpose of this, Jocelyn Taylor asked me	14:08:43 14	A. Yes.
14:07:30 15	to write a letter that the lawyers could look at for the	14:08:43 15	Q. You're cc'd on it. Now, this goes through
14:07:32 16	history. This doesn't have she just asked me to	14:08:50 16	and talks about the award. It talks about the mean of
14:07:35 17	provide a summary of what had happened in the past.	14:08:56 17	age, the prevalences, the differences, the
14:07:40 18	Q. So this per se does not give you any legal	14:09:00 18	classification, the LEAs, but nowhere in this award does
14:07:43 19	authority from the Utah State Office of Education?	14:09:07 19	it say something to the effect of Dr. Zimmerman will be
14:07:46 20	A. No.	14:09:11 20	the only person authorized to access URADD, the database;
14:07:47 21	Q. Okay.	14:09:20 21	is that correct?
14:07:48 22	MR. ROBINSON: That answer is yes.	14:09:20 22	A. Yes, but it also doesn't give me the
14:07:50 23	THE WITNESS: I said no.	14:09:23 23	authority to share it with anyone outside of URADD.
14:07:51 24	MR. ROBINSON: I know you said no. I'm	14:09:30 24	Q. But you've testified earlier that your staff
14:07:54 25	sorry, but the way the question is asked the answer is	14:09:34 25	and you and anyone working with you, that is that
11.07.01 20	sorry, but the way the question is asked the answer is	11.03.01 20	and you and anyone working with you, that is that
	Page 115		Page 116
14:09:39 1		14:11:35 1	Page 116 on the final page, it lists you as the PI, and then it's
14:09:39 1 14:09:43 2	needs to access it can access it in order to be able to	14:11:35 1 14:11:41 2	_
	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct?		on the final page, it lists you as the PI, and then it's
14:09:43 2	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the	14:11:41 2	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on
14:09:43 2 14:09:46 3	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes.	14:11:41 2 14:11:45 3	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that?
14:09:43 2 14:09:46 3 14:09:49 4	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document.	14:11:41 2 14:11:45 3 14:11:49 4	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes.
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427	14:11:41 2 14:11:45 3 14:11:49 4 14:11:49 5	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a	14:11:41 2 14:11:45 3 14:11:49 4 14:11:49 5 14:11:58 6	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is	14:11:41 2 14:11:45 3 14:11:49 4 14:11:49 5 14:11:58 6 14:12:02 7	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated	14:11:41 2 14:11:45 3 14:11:49 4 14:11:49 5 14:11:58 6 14:12:02 7 14:12:05 8	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database?
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:19 9	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom?	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon?	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant.
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:35 12	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:36 13	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:27 13	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct?
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:36 13 14:10:39 14	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009.	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:27 13 14:12:30 14	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:35 12 14:10:36 13 14:10:39 14 14:10:49 15	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:27 13 14:12:30 14 14:12:35 15	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:35 12 14:10:36 13 14:10:39 14 14:10:49 15 14:10:52 16	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009.	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:27 13 14:12:30 14 14:12:35 15 14:12:46 16	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:36 13 14:10:39 14 14:10:49 15 14:10:52 16 14:10:55 17	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO:	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:23 10 14:10:30 11 14:10:36 13 14:10:39 14 14:10:49 15 14:10:55 17 14:10:55 18	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009.	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure.
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:30 11 14:10:35 12 14:10:36 13 14:10:39 14 14:10:49 15 14:10:55 17 14:10:55 18 14:10:57 19	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009. A. I think the form was revised. I think that	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18 14:12:52 18	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure. Q. But on the face, on its face, this document
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:30 11 14:10:36 13 14:10:39 14 14:10:49 15 14:10:55 18 14:10:55 18 14:10:57 20	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009. A. I think the form was revised. I think that revision dated is related to the form itself.	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18 14:13:00 19 14:13:03 20	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure. Q. But on the face, on its face, this document does not grant you exclusive authority of URADD?
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 14:10:23 10 14:10:30 11 14:10:36 13 14:10:39 14 14:10:49 15 14:10:52 16 14:10:55 17 14:10:57 19 14:10:57 20 14:11:00 21	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009. A. I think the form was revised. I think that revision dated is related to the form itself. Q. Right. Okay, and this relates to URADD, the Utah Registry of Autism and Developmental Disabilities.	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:22 11 14:12:25 12 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18 14:13:00 19 14:13:03 20 14:13:08 21	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure. Q. But on the face, on its face, this document does not grant you exclusive authority of URADD? A. This document on its face
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:30 11 14:10:36 13 14:10:39 14 14:10:52 16 14:10:55 17 14:10:55 18 14:10:57 19 14:10:57 20 14:11:00 21 14:11:03 22	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009. A. I think the form was revised. I think that revision dated is related to the form itself. Q. Right. Okay, and this relates to URADD, the Utah Registry of Autism and Developmental Disabilities. On the second page, it lists you as the PI. On the third	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:25 12 14:12:27 13 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18 14:13:00 19 14:13:03 20 14:13:08 21 14:13:11 22	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure. Q. But on the face, on its face, this document does not grant you exclusive authority of URADD? A. This document on its face Q. This does not say anywhere
14:09:43 2 14:09:46 3 14:09:49 4 14:09:55 5 14:09:58 6 14:10:10 7 14:10:15 8 14:10:30 11 14:10:36 13 14:10:36 13 14:10:52 16 14:10:55 18 14:10:57 19 14:10:57 20 14:11:03 22 14:11:03 22 14:11:13 23	needs to access it can access it in order to be able to fulfill the requirements of the grants; is that correct? A. Only grant staff that need to do it have the information for their job, yes. Q. Okay, but okay. Okay. Next document. This is a multipage document. It begins on Bates No. 427 and it goes all the way to 431. It looks like it's a proposal to the Office of Sponsored Projects. It is dated originally yeah, it looks like originally dated 2006 but it was revised in 2009 based on the prints on the bottom of the page. Do you see that at the bottom? A. Pardon? Q. Based on the print down at the bottom, it looks like it was originally dated 2006 but then it was revised in 2009. MR. ROBINSON: Or was it just printed on 2009. BY MS. DONOSSO: Q. Yeah, printed in 2009. A. I think the form was revised. I think that revision dated is related to the form itself. Q. Right. Okay, and this relates to URADD, the Utah Registry of Autism and Developmental Disabilities. On the second page, it lists you as the PI. On the third	14:11:41 2 14:11:45 3 14:11:49 4 14:11:58 6 14:12:02 7 14:12:05 8 14:12:09 9 14:12:14 10 14:12:25 12 14:12:27 13 14:12:30 14 14:12:35 15 14:12:46 16 14:12:49 17 14:12:52 18 14:13:00 19 14:13:03 20 14:13:08 21 14:13:11 22 14:13:13 23	on the final page, it lists you as the PI, and then it's signed by Bill McMahon as the department chair on July 29th of 2009. Do you see that? A. Yes. Q. Now, again, like I've been asking you for every document, where does this document state or provide that you will have the exclusive authority over the registry or the database? A. So under 7(a), it says that there is an IRB and the IRB does not allow I did not believe the IRB allowed us to share data we obtained from the grant. Q. It doesn't state that anywhere in this document, however; correct? A. So under 7(a) it says is there an IRB, does this project involve human subjects, attach IRB. This document, I'd have to read through everything, but I don't believe I believe that the intent is that disclosure is contained in the IRB itself, re-disclosure. Q. But on the face, on its face, this document does not grant you exclusive authority of URADD? A. This document on its face Q. This does not say anywhere A no.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 31 of 57

14:13:20 1 A. But I think on face value, it does make me 14:13:24 2 responsible to know where the data is. 14:13:26 3 Q. But this is just a proposal. 14:13:29 4 A. This is the grant award, so I'm responsible 14:13:33 5 for the project, and it's not good if you don't know 14:13:41 6 where the data is. 14:13:46 7 Q. But if someone were to pick up this document, 14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:13:56 10 A. As a principal investigator, I think it does. 14:15:46 11 Me who I can share the data with and in wha 14:15:21 2 Q. But it doesn't give you the exclusive authority over the data? 14:15:24 3 authority over the data? 14:15:31 5 ability for me to share the data would need to them. 14:15:34 6 them. Q. That's correct, they're the data source the data? 14:15:38 8 but you previously testified that these document on its 14:15:41 9 you the exclusive authority over the data. 14:13:56 10 A. As a principal investigator, I think it does. 14:15:46 11 MS. LEONARD: Misstates testimon	e and any o go through ee, yes, nents gave
14:13:24 2 responsible to know where the data is. 14:13:26 3 Q. But this is just a proposal. 14:13:29 4 A. This is the grant award, so I'm responsible 14:13:33 5 for the project, and it's not good if you don't know 14:13:41 6 where the data is. 14:13:46 7 Q. But if someone were to pick up this document, 14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:15:21 2 Q. But it doesn't give you the exclusive authority over the data? 14:15:24 3 authority over the data? 14:15:28 4 A. They have they're the data source ability for me to share the data would need to them. 14:15:34 6 them. Q. But if someone were to pick up this document, 14:15:35 7 Q. That's correct, they're the data source the data source ability for me to share the data would need to them. 14:15:34 6 them. 14:15:38 8 but you previously testified that these document are given by the exclusive authority over the data. 14:13:56 10 A. As a principal investigator, I think it does. 14:15:44 10 A. That	e and any o go through ee, yes, nents gave
14:13:26 3 Q. But this is just a proposal. 14:13:29 4 A. This is the grant award, so I'm responsible 14:13:33 5 for the project, and it's not good if you don't know 14:13:41 6 where the data is. 14:13:46 7 Q. But if someone were to pick up this document, 14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:15:41 9 A. As a principal investigator, I think it does. 14:15:44 10 A. They have they're the data source 14:15:31 5 ability for me to share the data would need to 14:15:34 6 them. 14:15:35 7 Q. That's correct, they're the data source 14:15:38 8 but you previously testified that these document on its 14:15:41 9 you the exclusive authority over the data. 14:15:44 10 A. That	e and any o go through ce, yes, nents gave
14:13:29 4 A. This is the grant award, so I'm responsible 14:13:33 5 for the project, and it's not good if you don't know 14:13:41 6 where the data is. 14:13:46 7 Q. But if someone were to pick up this document, 14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:13:56 10 A. As a principal investigator, I think it does. 14:15:28 4 A. They have they're the data source 14:15:31 5 ability for me to share the data would need to them. 14:15:34 6 them. 14:15:35 7 Q. That's correct, they're the data source they're the data source they're the data source they're the data source they're they're the data source they're th	o go through te, yes, nents gave
14:13:33 5 for the project, and it's not good if you don't know 14:13:41 6 where the data is. 14:13:46 7 Q. But if someone were to pick up this document, 14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:13:56 10 A. As a principal investigator, I think it does. 14:15:31 5 ability for me to share the data would need to them. 14:15:33 7 Q. That's correct, they're the data source that these document on its 14:15:35 7 Q. That's correct, they're the data source the data source that these document on its 14:15:35 8 To A. As a principal investigator, I think it does.	o go through te, yes, nents gave
14:13:416where the data is.14:15:346them.14:13:467Q. But if someone were to pick up this document,14:15:357Q. That's correct, they're the data source14:13:498nowhere does it say nowhere does this document on its14:15:388but you previously testified that these document on its14:13:529face give you exclusive authority over the data?14:15:419you the exclusive authority over the data.14:13:5610A. As a principal investigator, I think it does.14:15:4410A. That	ee, yes, nents gave
14:13:49 8 nowhere does it say nowhere does this document on its 14:13:52 9 face give you exclusive authority over the data? 14:13:56 10 A. As a principal investigator, I think it does. 14:15:44 10 A. That	nents gave
14:13:52 9 face give you exclusive authority over the data? 14:15:41 9 you the exclusive authority over the data. 14:13:56 10 A. As a principal investigator, I think it does. 14:15:44 10 A. That	ny.
14:13:56 10 A. As a principal investigator, I think it does. 14:15:44 10 A. That	,
	,
14:14:01 11 O. That's your opinion? 14:15:46 11 MS_LEONARD Misstates testimon	,
C	
14:14:02 12 A. That is my opinion. 14:15:47 12 You can answer.	L
14:14:03 13 Q. Okay. Okay. Next document, it's dated May 14:15:48 13 THE WITNESS: My that was why	y I went to
14:14:11 14 11th, 2010, and it has Bates JPZ 437. It's a letter 14:15:51 14 the privacy office to get clarification if I cou	ld share
14:14:23 15 again from Mr. Mason and it says: "Your request to 14:15:55 15 the data and in what form.	
14:14:30 16 modify your currently approved research project to allow 14:15:55 16 BY MS. DONOSSO:	
14:14:34 17 for a pooled data set has been approved. We recognize 14:15:59 17 Q. So let me ask my question again. T	his letter
14:14:40 18 the value of the maintaining the data set," etc., etc. 14:16:01 18 does not give you the exclusive authority over	er the data;
14:14:45 19 "We appreciate your ongoing research." Again, nowhere 14:16:05 19 is that correct?	
14:14:50 20 does this give you exclusive authority over the Jordan 14:16:09 20 A. I never had I'm not sure. I mean,	you
14:14:57 21 School District or the Utah State Office of Education or 14:16:14 21 keep asking the same thing over and over ag	ain and my
14:15:01 22 URADD'S registry or database; is that correct? 14:16:17 22 answer is same. They gave me access to the	ir data to
14:15:03 23 A. This letter gives me the authority to share 14:16:20 23 use. I agreed not to share it without their per	rmission.
14:15:07 24 the data I collected with Jordan School District in a 14:16:26 24 But does this explicitly outline every detail of	of that
14:15:11 25 deidentified data set with the CDC, so this letter tells 14:16:30 25 agreement? No.	
	ge 120
14:16:31 1 Q. Okay, and this doesn't say Judy Zimmerman is 14:17:53 1 BY MS. DONOSSO:	
14:16:35 2 the only person who has exclusive authority over URADD or 14:17:58 2 Q. Oh, no, it is dated 2012. So beginnin	-
14:16:39 3 the data? 14:18:13 3 project 2011. How does this application for f	
14:16:40 4 A. I was the principal investigator and I was 14:18:17 4 assistance give you any sort of exclusive acce	ss to the
14:16:43 5 responsible for the study, so I believed I did. I was 14:16:47 6 responsible for it 14:16:47 6 A Because I was the principal investigation.	. 1
2 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 -	tor and
14:16:47 7 Q. But this letter does not say that? 14:18:28 7 I was responsible for the project. 14:16:50 8 A. It's addressed to us and I give the same 14:18:30 8 Q. So it's your testimony that any time to	hat won
answer i ve said to the questions.	
	Claiiii
	cific
14:17:05 14 Q. Okay. Next document. This is Utah State 14:19:08 14 study, the school districts were told that their 14:17:11 15 Office of Education Standard Application for Financial 14:19:12 15 confidentiality would be maintained as per the	
14:17:13 16 Assistance. I guess it's several pages. Oh, it's two 14:19:17 16 requirements for the cooperative agreement.	
14:17:22 17 pages, 439 through 440. Were you applying on behalf of 14:19:20 17 Q. But during the period of 2011, you w	/ere
14:17:34 18 the Department of Psychiatry? 14:19:25 18 employed as research professor at the University	
14:17:36 19 A. On 427? 14:19:30 19 is that correct?	<i>J</i> ,
14:17:38 20 MS. LEONARD: 439. 14:19:31 20 A. An assistant research professor, yes.	
14:17:40 21 BY MS. DONOSSO: 14:19:34 21 Q. Okay, and you were attending all of the state of the	these
14:17:40 22 Q. 439 through 440. No, because it says Jocelyn 14:19:38 22 meetings with Jocelyn, with Harper, and all the	
14:17:49 23 Taylor is your immediate supervisor. So I guess this was 14:19:47 23 conferences at the CDC as an assistant research	
14:17:52 24 still while you were at the Department of Health? 14:19:49 24 at the University of Utah?	•
14:17:53 25 MR. ROBINSON: Huh-uh, I believe it's 2012. 14:19:50 25 A. As I said previously, the health depart	rtment
The second secon	

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 32 of 57

		Page 121			Page 122
14:19:53	1	decided not to enter into any agreements with education	14:21:52	1	front of me?
14:19:56	2	during this time period.	14:21:53	2	MS. LEONARD: We have it.
14:19:57	3	Q. That wasn't my question. All of these	14:21:54	3	MR. ROBINSON: I think it's the last page of
14:20:00	4	meetings, all of these grants, in fact, the E-mail you	14:21:56	4	the exhibit.
14:20:03	5	were using, judithzimmerman@hacutahedu, all of these	14:21:56	5	BY MS. DONOSSO:
14:20:11	6	grant applications, all those proposals, all these	14:21:56	6	Q. So this is an E-mail to Jeff Botkin, dated
14:20:14	7	meetings you were doing as an employee of the University	14:22:01	7	December 4th, and it just says: "Just an FYI, my liaison
14:20:17	8	of Utah?	14:22:06	8	at the Utah State Office of Education has indicated that
14:20:17	9	A. Yes.	14:22:08	9	they do not have a contractual agreement with Dr.
14:20:17	10	O. Next document, and I believe this is the	14:22:11	10	McMahon." Do you recognize this E-mail?
14:20:26	11	final one, it's JPZ 441 through 443. It's another	14:22:13	11	A. Uh-huh, yes.
14:20:38	12	E-proposal document summary sheet and I guess it's	14:22:14	12	Q. Is it a true and correct copy of the E-mail
14:20:43	13	it's also to the Office of Sponsored Projects, so I'll	14:22:17	13	that you sent to Mr. Botkin on that date?
14:20:54	14	ask you again how does this proposal give you authority	14:22:18	14	A. Yes.
14:21:05	15	over I guess this is for \$10,000 again. How does this	14:22:19	15	Q. And how do you believe that this E-mail gave
14:21:09	16	give you exclusive authority over the registry or the	14:22:23	16	you the exclusive jurisdiction over the URADD database?
14:21:15	17	data that you were getting from any of the school	14:22:30	17	A. I contacted Jocelyn Taylor, my supervisor at
14:21:18	18	districts or from the Utah State Office of Education that	14:22:33	18	the State Office of Education, and specifically asked her
14:21:20	19	was going into the registry for URADD?	14:22:37	19	if I had the authority to share any data we collected
14:21:24	20	A. As the principal investigator, I thought I	14:22:43	20	with outside researchers and she said no and that Dr.
14:21:26	21	was I did not I had the authority to maintain	14:22:48	21	McMahon had not contacted her with regard to using the
14:21:30	22	confidentiality.	14:22:51	22	data for any studies he was interested in doing.
14:21:38	23	Q. Okay. One last document. I guess it's Bates	14:23:36	23	Q. Previously you testified that you contacted
14:21:42	24	numbered JPZ 492. Do you have that in front of you or	14:23:42	24	Dr. Li's assistant, Christine Lasalle, sometime in June
14:21:48	25	was that just something else that was put accidentally in	14:23:49	25	of 2012; is that correct?
		Page 123			
					Page 124
14:23:51	1	A. Yes.	14:25:43	1	confirm that he gets back to you." Do you see that?
14:23:51	2	A. Yes. Q. I will now give you what we're going to mark	14:25:46	2	confirm that he gets back to you." Do you see that? A. Yes.
14:23:51 14:23:57	2	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83.	14:25:46 14:25:46	2	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal
14:23:51 14:23:57 14:24:08	2 3 4	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.)	14:25:46 14:25:46 14:25:56	2 3 4	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say:
14:23:51 14:23:57 14:24:08 14:24:08	2 3 4 5	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO:	14:25:46 14:25:46 14:25:56 14:26:00	2 3 4 5	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to
14:23:51 14:23:57 14:24:08 14:24:08 14:24:09	2 3 4 5	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06	2 3 4 5	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12	2 3 4 5 6 7	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well.	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06	2 3 4 5 6 7	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing
14:23:51 14:23:57 14:24:08 14:24:08 14:24:09 14:24:12 14:24:29	2 3 4 5 6 7 8	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes.	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18	2 3 4 5 6 7 8	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my
14:23:51 14:23:57 14:24:08 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30	2 3 4 5 6 7 8 9	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21	2 3 4 5 6 7 8	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35	2 3 4 5 6 7 8 9	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle?	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26	2 3 4 5 6 7 8 9	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now."
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41	2 3 4 5 6 7 8 9 10	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes.	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32	2 3 4 5 6 7 8 9 10	confirm that he gets back to you." Do you see that? A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:40	2 3 4 5 6 7 8 9 10 11 12	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003?
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:40 14:26:42	2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes.
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:52	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms.	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:40 14:26:42 14:26:42	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:52 14:24:55 14:25:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:40 14:26:40 14:26:42 14:26:42	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB?
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:04 14:25:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay.	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:40 14:26:42 14:26:41 14:26:51 14:26:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:04 14:25:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:40 14:26:42 14:26:51 14:26:51	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:14 14:25:12 14:25:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you	14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:42 14:26:42 14:26:51 14:26:51 14:26:59 14:27:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not.
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:12 14:25:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to	14:25:46 14:25:46 14:25:56 14:26:00 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:42 14:26:42 14:26:51 14:26:50 14:26:50 14:26:50 14:27:05 14:27:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:14 14:25:20 14:25:28	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that	14:25:46 14:25:46 14:25:56 14:26:00 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:42 14:26:42 14:26:51 14:26:59 14:27:05 14:27:08 14:27:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:41 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:14 14:25:20 14:25:28 14:25:30	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that agreement to you." Do you see that?	14:25:46 14:25:56 14:26:00 14:26:15 14:26:18 14:26:21 14:26:26 14:26:32 14:26:42 14:26:42 14:26:51 14:26:50 14:27:05 14:27:08 14:27:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him to me as I am the PI on the grant. So were you asking
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:12 14:25:14 14:25:20 14:25:30 14:25:31	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that agreement to you." Do you see that? A. Yes.	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:40 14:26:42 14:26:42 14:26:51 14:26:56 14:27:08 14:27:08 14:27:12 14:27:16 14:27:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him to me as I am the PI on the grant. So were you asking him to change the order since he was listed as the first
14:23:51 14:23:57 14:24:08 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:12 14:25:14 14:25:20 14:25:28 14:25:30 14:25:31	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that agreement to you." Do you see that? A. Yes. Q. Okay, and then Ms. Lasalle responds to you	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:40 14:26:42 14:26:42 14:26:51 14:26:50 14:27:12 14:27:12 14:27:12 14:27:12 14:27:20 14:27:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him to me as I am the PI on the grant. So were you asking him to change the order since he was listed as the first on the PI and you as a co-PI?
14:23:51 14:23:57 14:24:08 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:12 14:25:14 14:25:20 14:25:30 14:25:31 14:25:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that agreement to you." Do you see that? A. Yes. Q. Okay, and then Ms. Lasalle responds to you and she says: "My understanding is that Dr. McMahon	14:25:46 14:25:46 14:25:56 14:26:00 14:26:15 14:26:15 14:26:21 14:26:26 14:26:40 14:26:42 14:26:42 14:26:51 14:26:56 14:26:59 14:27:10 14:27:16 14:27:12 14:27:20 14:27:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him to me as I am the PI on the grant. So were you asking him to change the order since he was listed as the first on the PI and you as a co-PI? A. I'd been asking him that for years.
14:23:51 14:23:57 14:24:08 14:24:09 14:24:12 14:24:29 14:24:30 14:24:35 14:24:41 14:24:41 14:24:55 14:25:12 14:25:12 14:25:12 14:25:20 14:25:28 14:25:30 14:25:31 14:25:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yes. Q. I will now give you what we're going to mark as Exhibit No. 83. (Whereupon Exhibit 83 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this E-mail? And I'll let you look at it because it's a thread as well. A. Yes. Q. Is it a true and correct copy of the E-mail exchange that you had with Ms. Lasalle? A. Yes. Q. And during this time, you this is a follow-up to the E-mail that I had shown you previously where you had began discussing the IRB issues with Ms. Lasalle. I'll draw your attention to PRD 9920 A. Okay. Q at the bottom. In August, on August 1st of 2012, you had an exchange with Ms. Lasalle where you say: "I'm anxious to resolve the IRB issues related to my CDC confidentiality agreement. I will forward that agreement to you." Do you see that? A. Yes. Q. Okay, and then Ms. Lasalle responds to you	14:25:46 14:25:46 14:25:56 14:26:00 14:26:06 14:26:15 14:26:18 14:26:21 14:26:40 14:26:42 14:26:42 14:26:51 14:26:50 14:27:12 14:27:12 14:27:12 14:27:12 14:27:20 14:27:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yes. Q. Okay, and then your response is: "The legal implications are huge for me." And you go on to say: "My request to Mr. McMahon had been twofold, one, to change the PI listed on IRB 00011805 from him to me as I am the PI on the grant and over all the data sharing agreements, and, two, to have the ability to choose my own research staff. My sense is he's still unwilling to do this or he would have made these changes by now." Now, which one is IRB 00011805? Is that the original IRB from 2003? A. Yes. Q. Okay. Why would he need to change the order of the IRB? A. Because on the IRB, he lists himself as that he's receiving funding from the CDC to do a project which he had not. Q. But that's that's not what the E-mail says. The E-mail says to change the PI listed from him to me as I am the PI on the grant. So were you asking him to change the order since he was listed as the first on the PI and you as a co-PI?

	Page 125		Page 126
14:27:35	1 A. Because he didn't do the grant.	14:29:28 1	Q. Okay, but you do understand that he's been on
14:27:40 2	2 Q. But he's been working on this project from	14:29:44 2	the IRB from the beginning and he has made contributions
14:27:43	3 the very beginning; isn't that correct?	14:29:52 3	to the IRB?
14:27:45	4 A. Working in a very minimal sense.	14:29:53 4	A. Perhaps minimally in 2002 to I would say
14:27:52 5	5 Q. So that would mean that he has been on the	14:30:06 5	after 2005 he pretty much did nothing.
14:28:05	6 original PI from the beginning?	14:30:10 6	Q. Isn't he a member of the oversight committee?
14:28:08	A. He did in the original in 2002, McMahon	14:30:13 7	A. Correct.
14:28:14 8	8 helped me get into some data sources as I've previously	14:30:14 8	Q. Doesn't he go to all of those meetings as
14:28:20	9 mentioned. I think he looked at a total three records	14:30:18 9	part of the oversight committee?
14:28:28 10	0 and that was it.	14:30:20 10	A. The oversight committee had nothing to do
14:28:31 11	Q. So he is listed as the original PI on the	14:30:23 11	with reviewing anything related to grant research. That
14:28:36 12	2 original IRB?	14:30:26 12	went all through the CDC.
14:28:37 13	A. At the university because I wasn't at the	14:30:28 13	Q. There is a CDC component and then there is an
14:28:42 14	4 university.	14:30:32 14	oversight committee component?
14:28:45 15	5 Q. Okay.	14:30:34 15	A. Correct.
14:28:49 16	6 A. So I believed it was a misrepresentation that	14:30:34 16	Q. And everybody has to collaborate as part of
14:28:52 17	7 he was a PI on a grant that he had not received, nor was	14:30:38 17	the efforts for it to work?
14:28:56 18	8 he doing any work on the grant that was listed on the	14:30:39 18	A. For the CDC grant, the CDC grant had a
14:28:59 19	9 IRB.	14:30:44 19	different review process to use and utilize CDC data.
14:29:01 20	O Q. So you don't believe that him involving	14:30:50 20	None of that went through the oversight committee.
14:29:06 21	people like Carmen Pingree, Eric Fombonne, and using his	14:30:54 21	Q. Okay, so, because it's your opinion that he
14:29:13 22	2 reputation to help publish articles and bring grants and	14:31:00 22	doesn't do as much work as you do, you felt that he
14:29:20 23	3 prestige to URADD is part of his work on the IRB?	14:31:03 23	should just be taken off as the order of the IRB
14:29:23 24	4 A. I saw that as less than one percent effort on	14:31:09 24	position?
14:29:26 25	5 the grant.	14:31:09 25	A. It was as well as him saying he didn't want
	Page 127		Page 128
14:31:14 1	to he wanted to share he wanted to contact families	14:33:56 1	wanted to link blood spots with registry data.
14:31:22 2	2 using the data I collected. He wanted to share	14:34:16 2	Q. Do you recall writing a memo regarding some
14:31:30 3	identifiable data with the Utah population database. He	14:34:21 3	of these concerns to Dr. Li sometime in August of 2012?
14:31:36 4	was not having Bilder or Bakian go through the oversight	14:34:28 4	A. I believe that specific I recall I
14:31:48 5	committee for approval and the Utah Department of Health,	14:34:36 5	don't recall. I recall contacting her. I know I asked
14:31:51 6	so it was multiple reasons and because I didn't want to	14:34:41 6	her about school data, trying to get clarification about
14:31:57 7	7 be around him.	14:34:46 7	school data. I was more trying to get clarification from
14:32:09 8	Q. Okay, and when did these concerns regarding	14:34:52 8	the health department because it was birth certificate
14:32:15 9	9 Dr. McMahon, when did you begin having these concerns	14:34:56 9	data on normal children, not just surveillance data.
14:32:18 10	regarding Dr. McMahon?	14:35:05 10	Q. When did you contact the health department?
14:32:20 11	1 A. Which ones?	14:35:07 11	A. When didn't I contact the health department?
14:32:21 12	Q. The one about you wanting to take him off the	14:35:20 12	MR. ROBINSON: I'm sorry, I didn't understand
14:32:26 13	3 original IRB.	14:35:22 13	that.
14:32:27 14	4 A. Around 2010, 2011.	14:35:22 14	THE WITNESS: So so my liaison with the
14:32:36 15	5 Q. Okay.	14:35:24 15	health department originally was George Delavan and then
14:32:37 16	A. I didn't want to take him off. I wanted to	14:35:29 16	he retired and then it switched to Harper Randall, so
14:32:40 17	7 reverse the order.	14:35:34 17	anything
14:32:53 18	Q. So was it after Dr. Bakian was hired?	14:35:36 18	MR. ROBINSON: Well, the question was: When
14:32:58 19	9 A. Actually it was before Bakian was hired.	14:35:38 19	did you contact the health department with that concern?
14:33:09 20	Judith Miller had written a grant where she indicated she	14:35:40 20	MS. LEONARD: No, the question was: When did
14:33:14 21	wanted to contact families off birth certificate	14:35:45 21	you contact the health department? And her answer was:
	2 information. He also was wanting to contact families off	14:35:47 22	When did I not contact the health department?
14:33:20 22		1 1 4 . 25 . 5 0 2 2	THE WITNESS: So if there was any question
14:33:20 22 14:33:24 23	registry data. They were wanting to take maternal blood	14:35:50 23	* *
		14:35:52 24	about data collected through the by the health
14:33:24 23	spots that you obtain during when a baby is born, they		* *

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 34 of 57

	Page 129		Page 130
14:36:00 1	their position on that.	14:37:19 1	Health, so that we can have some order, okay. So let me
14:36:05 2	MR. ROBINSON: Maybe I misunderstood the	14:37:24 2	see if I can help refresh your memory regarding this memo
14:36:06 3	question. I thought the question was: When did you	14:37:29 3	to Dean Li.
14:36:10 4	contact the Department of Health about your concerns that	14:37:29 4	(Whereupon Exhibit 84 was marked for identification.)
14:36:18 5	you had expressed to Dr. Li.	14:37:29 5	BY MS. DONOSSO:
14:36:22 6	MS. LEONARD: The question was not that	14:37:55 6	Q. Do you recall this confidential memo?
14:36:24 7	specific.	14:37:57 7	A. Yes.
14:36:24 8	MR. ROBINSON: Oh, maybe we need to read the	14:38:00 8	Q. Okay. Is it a true and correct copy of the
14:36:28 9	question.	14:38:02 9	memo that you sent
14:36:28 10	BY MS. DONOSSO:	14:38:03 10	A. Yes.
14:36:29 11	Q. So let me first finish my original question	14:38:04 11	Q to Dean Li?
14:36:32 12	regarding Dr. Li. Did you do you recall writing a	14:38:07 12	A. Yes.
14:36:37 13	confidential memo to Dr. Li when you were seeking	14:38:07 13	Q. It's dated August 16th of 2012. It
14:36:41 14	assistance regarding your request to change the orders of	14:38:17 14	references a meeting you had on July 5th, 2012, with Dean
14:36:48 15	the PI on the IRB?	14:38:23 15	Li?
14:36:50 16	A. Which Li? Oh, I'm confused. So Dean Li?	14:38:23 16	A. Yes.
14:36:53 17	Q. Yes, Dean Li.	14:38:24 17	Q. And in it, it outlines some concerns and some
14:36:54 18	A. So I first talked to Jeff Botkin in 2011.	14:38:28 18	proposed solutions you have to your concerns?
14:36:59 19	Q. Right.	14:38:30 19	A. Correct.
14:37:00 20	A. And then I talked to him in I sent him	14:38:31 20	Q. So you, again, reference the original IRB
14:37:07 21	some documents, it was either the end of July or the	14:38:41 21	00011805 and you mentioned that historically Dr. McMahon
14:37:10 22	first part of August. It was somewhere between June and	14:38:46 22	has represented himself as the original PI and that you
14:37:12 23	August.	14:38:51 23	would like that changed, that you want to be the lead PI
14:37:13 24	Q. So let's focus first on Dean Li and then	14:38:55 24	on the original IRB; is that correct?
14:37:16 25	we'll get to Jeff and then we'll get to the Department of	14:38:58 25	A. Correct.
	Page 131		Page 132
14:38:59 1	Q. Okay, your second concern is that Dr. Bakian,	14:40:44 1	department would have that they may be able to provide to
14:39:07 2	Dr. Bilder and Dr. McMahon have amended the IRB, the	14:40:49 2	you as well.
14:39:12 3	original IRB, that they did so in June 2012, to conduct	14:40:53 3	Q. And you have not provided those to us in
14:39:18 4	some research with identifiable surveillance data?	14:40:57 4	discovery?
14:39:23 5	A. Yes.	14:40:58 5	A. I am not sure.
14:39:24 6	Q. And you believe that is in violation of their	14:41:01 6	Q. And you believe that you've provided to us
14:39:26 7	confidentiality agreements and you attached that in the	14:41:06 7	the contract with the Office of Vital Records?
14:39:29 8	back and you're concerned about that as well because you	14:41:10 8	A. I believe so.
14:39:35 9	signed some contracts with the Utah Department of Health	14:41:12 9	Q. Okay. Your solution to that concern is that
14:39:43 10	Office of Vital Records. Where is that contract with the	14:41:19 10	you made a report, a report was made with the Office of
14:39:48 11	Office of Vital Records? Are those the documents that	14:41:23 11	Privacy. That's the report you made with Jeff Botkin; is
14:39:50 12	we've reviewed, that we just spent a long time reviewing	14:41:27 12	that correct?
14:39:53 13	today or are those different than the ones we've reviewed	14:41:28 13	A. No, in 2011, I talked to him about changing
14:39:58 14	today?	14:41:35 14	the order of the PI and IRB 1111805. I attempted to meet
14:39:58 15	A. We've not reviewed that contract specifically	14:41:44 15	with Dean Li and Bill McMahon on the 16th to get
14:40:00 16	today. There are so many documents. I believe it's in	14:41:49 16	clarification on could I share identifiable data with
14:40:08 17	there but I'm not sure.	14:42:00 17	non-grant staff.
14:40:09 18	Q. So do you believe that you produced in	14:42:01 18	Q. Okay.
14:40:14 19	discovery this contract with the Office of Vital Records?	14:42:03 19	A. There was also another issue, financial, that
14:40:18 20	A. I hope so.	14:42:08 20	had to do with double dipping, so Bakian had already
14:40:19 21	Q. Okay, so you believed that we've now reviewed	14:42:14 21	received funds to do this study as part of the CDC grant,
14:40:22 22 14:40:27 23	all of the contracts you had with the State Office of Education, that's what we've now marked as 82 I believe?	14:42:21 22 14:42:26 23	so she was taking a research project in progress with the CDC researchers and taking it to a different group of
	A. There were some other you know, there are	14:42:26 23	researchers and taking it to a different group of researchers and she had already been paid to do it, so it
1/1.//0.22 24		1 19.97.500 /4	researchers and she had already been baid to do it so it
14:40:32 24 14:40:41 25	some other letters of support, contracts that the health	14:42:35 25	created a double dipping situation for me because I'd

	Page 133		Page 134
14:42:41 1	already paid her to do it and she was duplicating that	14:46:13 1	and its subject is IRB 0001185.
14:42:44 2	project with a different group of researchers and would	14:46:19 2	MR. ROBINSON: 805.
14:42:48 3	be paid separately under a different group of people and	14:46:24 3	BY MS. DONOSSO:
14:42:52 4	she had not followed her confidentiality agreement with	14:46:24 4	Q. 805, sorry. Thank you. It's states:
14:42:55 5	the CDC as part of that effort, research effort.	14:46:28 5	"Thanks for talking with me by phone last week." So I'm
14:43:03 6	Q. Okay. Now, you go on to say that if there	14:46:31 6	assuming that you had a meeting with him the previous
14:43:07 7	was any outside copies of the data that this be returned	14:46:34 7	week. Was the first time that you spoke with Jeff
14:43:11 8	to you and you wanted Dr. Bakian removed from any grant	14:46:40 8	Botkin is it safe to say that the first time you spoke
14:43:18 9	or URADD related projects and you wanted Dr. McMahon to	14:46:42 9	with Jeff Botkin was sometime in maybe the first week of
14:43:22 10	allow you to recruit or hire basically your own	14:46:46 10	2011 regarding IRB 00011805?
14:43:26 11	personnel; is that correct?	14:46:53 11	A. I don't believe I met with him prior to
14:43:27 12	A. So, in my previous meeting with Dr. Li, he	14:46:57 12	talked with him prior to I may have talked to him in
14:43:33 13	had informed me that as the PI of the CDC grant, I had	14:47:01 13	2010, but when the IRB renewal came up again, I contacted
14:43:38 14	the authority to choose my own staff, and as far as that	14:47:09 14	him in April of 2011.
14:43:44 15	I gave Bakian a choice, did she want to which group of	14:47:12 15	Q. Okay, and was your first contact with him by
14:43:52 16	researchers did she want to work with on this project and	14:47:17 16	phone and then you followed up with this E-mail?
14:43:55 17	she didn't get back to me.	14:47:20 17	A. Yes.
14:43:56 18	Q. Okay, so let's talk about your meeting with	14:47:20 18	Q. Okay, and then the E-mail goes on to say:
14:44:37 19	Jeff Botkin.	14:47:29 19	"The IRB for the study was conducted under 00011805. Dr.
14:45:33 20	(Whereupon Exhibit 85 was marked for identification.)	14:47:36 20	McMahon listed as the primary investigator with me listed
14:45:33 21	BY MS. DONOSSO:	14:47:42 21	co-investigator." And then you mentioned it was up for
14:45:55 22	Q. Do you recognize this E-mail?	14:47:43 22	renewal and you say: "Several weeks ago I sent an E-mail
14:45:57 23	A. Yes.	14:47:46 23	to Dr. McMahon asking him if we could switch the order on
14:45:58 24	Q. It's dated April 14th, 2011, at least the	14:47:48 24	the IRB with me listed first and Dr. McMahon denied my
14:46:08 25	bottom portion of it, and it's from you to Jeff Botkin	14:47:53 25	request. Do you have any advice for me? Would it be
	Francisco de la companya de la compa		·4
	Page 135		Page 136
14:47:59 1	possible for me to submit a separate IRB?" What advice	14:50:05 1	(Whereupon Exhibit 86 was marked for identification.)
14:48:04 2	did he provide to you?	14:50:06 2	BY MS. DONOSSO:
14:48:06 3	A. He denied that McMahon would do what I had	14:50:06 3	Q. Do you recognize this E-mail?
14:48:14 4	suggested, that he told me I had the ability to recreate	14:50:13 4	A. Yes.
14:48:17 5	my own IRB for my grant, which I did.	14:50:14 5	Q. Is this a true and correct copy of the E-mail
14:48:22 6	Q. Did he give you any other type of advice?	14:50:16 6	that Ms. Maureen Brinkman sent you on or about April
14:48:27 7	Did he tell you that you had the option of contacting	14:50:22 7	26th, 2011?
14:48:32 8	anybody else?	14:50:23 8	A. Yes.
14:48:33 9	A. No, nor did he disclose his relationship with	14:50:23 9	Q. Okay, and through this E-mail she said she
14:48:36 10	McMahon.	14:50:27 10	did not believe that this was an IRB issue; is that
14:48:37 11	Q. What relationship?	14:50:30 11	correct?
14:48:39 12	A. He had a conflict of interest.	14:50:31 12	A. Yes.
14:48:42 13	Q. And that's not my question. What	14:50:32 13	Q. So other than that phone conversation that
14:48:45 14	relationship did he have with him?	14:50:39 14	you had with him and this E-mail that you sent to Dr.
14:48:46 15	A. They were coauthors on manuscripts and a	14:50:43 15	Botkin and this follow-up E-mail with Ms. Brinkman, did
14:48:51 16	book.	14:50:48 16	you, at this time in April of 2011, actually file a
14:48:51 17	Q. Okay. Did he he or anybody in his office	14:50:53 17	formal complaint with Mr. Botkin regarding the IRB issue?
14:49:01 18	inform you that they didn't think this was an IRB issue?	14:51:02 18	A. I thought what I had sent was a formal
14:49:07 19	A. The IRB thought it was a research compliance	14:51:06 19	complaint. He didn't direct me otherwise.
14:49:13 20	integrity issue and referred me to Botkin.	14:51:11 20	Q. So he informed but you didn't fill out a
14:49:17 21	Q. Okay, so let me give you what we'll mark	14:51:14 21	form, you just asked for advice. You said I want a good
14:49:35 22	how shortly after the April 14th E-mail did they inform	14:51:22 22	relationship, do you have any advice for me, but did you
14:49:41 23	you it was not an IRB issue?	14:51:26 23	actually
14:49:43 24	A. It was at the same time. There are some	14:51:28 24	A. So what happened is I also talked to Richard
14:49:46 25	E-mails between myself and a Maureen Brinkman.	14:51:34 25	Sperry, I can't remember his official title, about it and
I			

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 36 of 57

		Page 137			Page 138
14:51:41	1	he indicated he would assist me with filing a formal	14:52:37	1	Botkin; correct?
14:51:45	2	complaint.	14:52:39	2	THE WITNESS: At that time.
14:51:46	3	Q. But that would be with Mr. Sperry's office.	14:52:40	3	MR. ROBINSON: At that time; correct?
14:51:48	4	In April of 2011, did you other than sending this	14:52:43	4	THE WITNESS: At that time.
14:51:52	5	E-mail seeking advice, did you file a formal complaint	14:52:44	5	MR. ROBINSON: Okay. Thank you.
14:51:56	6	with Mr. Botkin at this time in April of 2011?	14:52:44	6	BY MS. DONOSSO:
14:51:59	7	A. I thought my complaint was very clear. He	14:52:46	7	Q. Okay. Now, let's go back and talk about the
14:52:03	8	chose not to investigate.	14:52:56	8	financial issues with Amanda. You actually asked for a
14:52:05	9	MR. ROBINSON: That doesn't answer the	14:53:20	9	financial investigation to be conducted based on your
14:52:06	10	question.	14:53:25	10	concerns, didn't you?
14:52:07	11	BY MS. DONOSSO:	14:53:26	11	A. No, I was surprised they did an
14:52:07	12	Q. That doesn't answer my question. Did you	14:53:33	12	investigation.
14:52:07	13	file an actual like a complaint form?	14:53:34	13	Q. Well, you accused your colleague of double
14:52:10	14	A. To me this was a complaint.	14:53:38	14	dipping. Don't you think that that's a serious
14:52:12	15	Q. Okay.	14:53:41	15	allegation?
14:52:13	16	MR. ROBINSON: So the only complaint is the	14:53:41	16	A. I was trying to figure out my financial
14:52:16	17	E-mail, is that correct, that you filed with	14:53:43	17	report to the CDC in terms of time spent with Bakian, and
14:52:18	18	THE WITNESS: And I talked to him and I	14:53:54	18	I was overdrawn on some accounts, so I was trying to
14:52:21	19	talked with IRB.	14:53:59	19	figure out why.
14:52:22	20	MR. ROBINSON: We're talking about just Mr.	14:54:04	20	Q. Isn't it common though that sometimes the way
14:52:24	21	Botkin right now, just so the record is clear.	14:54:07	21	grants work, depending on the cycle, sometimes it is not
14:52:26	22	THE WITNESS: Uh-huh.	14:54:12	22	uncommon to be overdrawn especially where you're working
14:52:27	23	MR. ROBINSON: The only communication you had	14:54:15	23	on various different grants?
14:52:29	24	with Mr. Botkin was the phone call and this E-mail that	14:54:17	24	A. It wasn't common for me.
14:52:33	25	was marked as Exhibit 85, no other reports with Mr.	14:54:18		Q. Okay. Did you ever receive a report on the
		, ·			
		Page 139			Page 140
14:54:27	1	results of the investigation regarding the financial	14:56:57	1	review the PAR forms for Dr. Bakian for all of 2012
14:54:31	2	situation with Amanda Bakian?	14:57:05	2	because there was a dispute obviously between you and Dr.
14:54:34	3	A. I remember getting a vague response saying	14:57:10	3	McMahon regarding how Dr. Bakian was being paid, and
14:54:39	4	that that the PARs been readjusted or done	14:57:16	4	based on the review of the PARs, Marjorie Goodrich, who
14:54:54	5	differently, so my concern was he had McMahon had	14:57:23	5	was the audit manager, found that none of Dr. Bakian's
14:54:57	6	committed me to pay 80 percent of her salary but I could	14:57:28	6	efforts was being charged to your grant, that there was a
14:55:02	7	not account for that time, nor could I account that the	14:57:32	7	combination of payment being charged both to Dr.
14:55:09	8	work related to what she was being paid for was being	14:57:41	8	McMahon's grants and department activities around, so
14:55:15	9	done.	14:57:42	9	they concluded that there was no misappropriation of
14:55:31	10	(Whereupon Exhibit 87 was marked for identification.)	14:57:47	10	funds. Do you see that at the conclusion on the second
14:55:32	11	BY MS. DONOSSO:	14:57:53	11	page?
14:55:32	12	Q. I'll give you an opportunity to review what	14:57:55	12	A. I see what they wrote there, yes.
14:55:35	13	has been marked as Exhibit 87. Do you recognize this	14:57:58	13	Q. Okay. The assistant vice president of
14:56:05	14	document?	14:58:05	14	auditing was cc'd on this audit. Obviously that is not
14:56:05	15	A. Yes.	14:58:11	15	something that is taken lightly at the university. You
14:56:05	16	Q. Okay, and it was a financial audit that was	14:58:20	16	obviously have a copy of this since this was your
14:56:18	17	conducted. It was completed in 2012. You were	14:58:23	17	production. Were you satisfied with the results?
14:56:29	18	interviewed as part of this financial audit; isn't that	14:58:26	18	A. No.
14:56:33	19	correct?	14:58:30	19	Q. Why not?
14:56:34	20	A. Only briefly on the phone.	14:58:31	20	A. Because funding for my grant was being
14:56:37	21	Q. Okay.	14:58:35	21	intermingled with other funding with the finance
14:56:38	22	A. Basically what I was asking for was if they	14:58:39	22	department, so they looked like they were McMahon's
14:56:40	23	could give me an accounting of the hours charged to which	14:58:43	23	dollars and not my dollars.
14:56:46	24	activity report because the balances weren't matching.	14:58:44	24	Q. And do you have proof of that?
		O W-11	1		to the control of the
14:56:54	25	Q. Well, as part of the investigation, they did	14:58:46	25	A. Yes.

		Page 141			Page 142
14:58:47	1	Q. And was that provided to us during discovery	15:01:55	1	recall preparing what has been previously marked as
14:58:51	2	or is that just your opinion?	15:02:01	2	Exhibit No. 37?
14:58:54	3	A. You provided us a document of a financial	15:02:02	3	A. Yes.
14:58:56	4	report prepared by Dan Hogge from 2011.	15:02:02	4	Q. Do you recognize this document?
14:59:02	5	Q. Okay.	15:02:06	5	A. Yes.
14:59:04	6	A. And McMahon was listing himself as the	15:02:06	6	Q. What is it?
14:59:08	7	financial person for grants that I had received and	15:02:08	7	A. We were required to submit our activities
14:59:14	8	another faculty member had received.	15:02:13	8	from the previous year.
14:59:16	9	Q. And you believed that that's evidence of	15:02:15	9	Q. And did you prepare this document?
14:59:19	10	misappropriation of funds?	15:02:19	10	A. Yes.
14:59:21	11	A. What I'm saying is I don't know because I	15:02:19	11	Q. Okay, and then did you submit it to someone
14:59:24	12	didn't see her PARs and I was supposed to be supervising	15:02:22		in anticipation of your interview on August 17th?
14:59:30		her, so I don't know how the money was moved around. I	15:02:26		A. Yes.
14:59:37		don't know.	15:02:27		Q. And who did you submit it to?
	15	Q. Okay. Do you recall meeting with Dr. McMahon		15	A. Barbara Young.
14:59:46		and Dr. Macintosh in August 2012 as part of your annual	15:02:31		Q. Okay, and let's go through it a little bit,
14:59:51		faculty evaluations?	15:02:36		so here it says it goes through and I guess it says
	18	A. Yes.	15:02:41		that you it talks about your academic achievements for
	19	Q. This has been previously marked as		19	the year. It says that you had a couple of lectures and
15:01:04		Exhibit 38. It was kind of the calendar of the faculty		20	it lists your active grants; is that correct?
15:01:06		reviews. You may not recognize this document but maybe	15:02:53		A. Yes.
15:01:11	23	you do. Do you recall having your faculty review on	15:02:54 15:03:00	22	Q. And so it talks about lists you as the
	24	August 17th at around 1:30 p.m.? A. Yes.	15:03:00		principal investigator for CDC, Centers for Disease Control, and lists you as the principal investigator, and
15:01:20		Q. And in anticipation of that meeting, do you	15:03:03		then it also lists you for URADD, Utah Registry of Autism
13.01.20	23	Q. And in anticipation of that meeting, do you	13.03.00	23	then it also lists you for OKADD, Otali Registry of Autisiii
		Page 143			Page 144
15:03:15	1	Page 143 and Developmental Disabilities, and it also lists you as	15:04:51	1	$\label{eq:page_144} \textit{Page} 144$ just met the year before and gone through that outline of
15:03:15 15:03:18	1 2		15:04:51 15:04:55	1 2	-
		and Developmental Disabilities, and it also lists you as			just met the year before and gone through that outline of
15:03:18	2	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal	15:04:55 15:04:56 15:04:56	2	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of
15:03:18 15:03:22 15:03:28 15:03:37	2	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three.	15:04:55 15:04:56 15:04:56 15:04:59	2 3 4 5	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been
15:03:18 15:03:22 15:03:28	2 3 4	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct?	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02	2 3 4 5 6	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made?
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46	2 3 4 5 6 7	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO:	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02	2 3 4 5 6 7	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46	2 3 4 5 6 7 8	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct?	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:02	2 3 4 5 6 7 8	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:46	2 3 4 5 6 7 8	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted.	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10	2 3 4 5 6 7 8 9	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50	2 3 4 5 6 7 8 9	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one?	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16	2 3 4 5 6 7 8 9	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to.
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50	2 3 4 5 6 7 8 9 10	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011.	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:07 15:05:10 15:05:16	2 3 4 5 6 7 8 9 10	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay.
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50	2 3 4 5 6 7 8 9 10 11	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011.	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16	2 3 4 5 6 7 8 9 10 11	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:03:59 15:04:03	2 3 4 5 6 7 8 9 10 11 12	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one.	15:04:55 15:04:56 15:04:56 15:04:59 15:05:02 15:05:07 15:05:10 15:05:16 15:05:19 15:05:24	2 3 4 5 6 7 8 9 10 11 12	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:03:50 15:04:03	2 3 4 5 6 7 8 9 10 11 12 13	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30	2 3 4 5 6 7 8 9 10 11 12 13 14	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it.
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:03:59 15:04:03 15:04:04 15:04:16	2 3 4 5 6 7 8 9 10 11 12 13 14 15	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:36	2 3 4 5 6 7 8 9 10 11 12 13 14 15	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:03:50 15:04:03 15:04:04 15:04:16 15:04:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:36 15:05:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour?
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:03 15:04:04 15:04:16 15:04:20 15:04:26	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:04 15:04:16 15:04:20 15:04:26 15:04:31	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th?	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:37 15:05:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with.
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:03 15:04:04 15:04:20 15:04:26 15:04:31 15:04:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes.	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:37 15:05:38 15:05:42	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with.
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:03 15:04:04 15:04:20 15:04:26 15:04:31 15:04:33 15:04:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes. Q. How long was your meeting that day on	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:37 15:05:38 15:05:42 15:05:47	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with. Q. Did you talk about the collegiality issues
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:03 15:04:04 15:04:20 15:04:26 15:04:31 15:04:33 15:04:33 15:04:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes. Q. How long was your meeting that day on August 17th?	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:36 15:05:37 15:05:38 15:05:42 15:05:47 15:05:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with. Q. Did you talk about the collegiality issues and the need to
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:46 15:03:50 15:03:50 15:03:50 15:04:03 15:04:04 15:04:20 15:04:26 15:04:31 15:04:33 15:04:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes. Q. How long was your meeting that day on August 17th? A. I don't recall. Probably at least half an	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:24 15:05:30 15:05:37 15:05:38 15:05:42 15:05:47 15:05:50 15:05:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with. Q. Did you talk about the collegiality issues and the need to A. The only thing was mentioned at all was Deb
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:47 15:03:50 15:03:50 15:04:03 15:04:04 15:04:20 15:04:26 15:04:31 15:04:33 15:04:33 15:04:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes. Q. How long was your meeting that day on August 17th? A. I don't recall. Probably at least half an hour, 45 minutes.	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:19 15:05:24 15:05:30 15:05:37 15:05:38 15:05:42 15:05:42 15:05:51 15:05:51 15:05:56 15:05:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with. Q. Did you talk about the collegiality issues and the need to A. The only thing was mentioned at all was Deb Bilder and he seemed unaware that I had no idea what he
15:03:18 15:03:22 15:03:28 15:03:37 15:03:45 15:03:46 15:03:46 15:03:50 15:03:50 15:03:50 15:04:04 15:04:20 15:04:20 15:04:31 15:04:33 15:04:37 15:04:43	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	and Developmental Disabilities, and it also lists you as the principal investigator and then it lists an active contract for URADD as well and then it goes through and lists one, two, three, three peer review journal articles; is that correct? One, two yeah, three. MR. ROBINSON: Is that correct? BY MS. DONOSSO: Q. Is that correct? A. One of them has been retracted. Q. Oh, which one? A. Because of errors made by Bakian, 2011. Q. There are two that say 2011. A. The first one. Q. The first one, okay, and then it goes through and talks about the goals for the academic year beginning on July 1st, so is this what you used to talk about during your meeting with Dr. Macintosh and Dr. McMahon during your meeting on August 17th? A. Yes. Q. How long was your meeting that day on August 17th? A. I don't recall. Probably at least half an	15:04:55 15:04:56 15:04:59 15:05:02 15:05:02 15:05:07 15:05:10 15:05:16 15:05:16 15:05:19 15:05:24 15:05:30 15:05:37 15:05:38 15:05:42 15:05:42 15:05:51 15:05:51 15:05:56 15:05:56	2 3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17 18 19 20 21 22 23 24	just met the year before and gone through that outline of expectations? A. Correct. Q. Did you guys talk about that outline of expectations and talk about any progress that had been made? A. He did not ask me about the executive coaching. The only question he asked I indicated that I had added Eric Fombonne to the study that he required me to add him to. Q. Okay. A. He asked me about Deb Bilder and helping Deb Bilder and I said I wasn't aware of any studies Deb Bilder was doing using URADD data. This, that's it. Q. Well, what else did you talk about during that half hour? A. These accomplishments, the grant, what we were working on, who we'd collaborated with. Q. Did you talk about the collegiality issues and the need to A. The only thing was mentioned at all was Deb Bilder and he seemed unaware that I had no idea what he was talking about.

		Page 145			Page 146
15:06:15	1	meeting?	15:07:22	1	Dean Li and McMahon, I wasn't able to resolve the privacy
15:06:15	2	A. He asked me if I was helping Deb Bilder and I	15:07:27	2	issues, so we talked about that I needed clarification
15:06:19	3	said I thought Deb Bilder had all the data she needed. I	15:07:32	3	from them regarding the agreements and what data could be
15:06:23	4	wasn't aware of any help that she needed.	15:07:35	4	shared and couldn't be shared.
15:06:27	5	Q. Okay. During that meeting, did you make him	15:07:37	5	Q. Okay.
15:06:30	6	aware that you had already begun conversations about	15:07:38	6	A. So it was the day before.
15:06:35	7	transferring to another department?	15:07:41	7	Q. Okay, and did you share any concerns that you
15:06:36	8	A. He knew that when I had met with Dean Li.	15:08:06	8	had or anything else with him during this annual review
15:06:42	9	We'd talked about it.	15:08:14	9	meeting?
15:06:43	10	Q. So you'd met with Dean Li the previous month.	15:08:14	10	A. I'd shared them the day before. At the same
15:06:47	11	How would he have been aware of that?	15:08:18	11	time was it the 16th? What was the date of my meeting
15:06:49	12	A. How who would be aware of?	15:08:21	12	with Dean Li? I think it was the day before, wasn't it?
15:06:49	13	Q. How would	15:08:25	13	MR. ROBINSON: Well, the confidential memo
15:06:52	14	A. We'd met the was it the day before? It	15:08:27	14	was marked as Exhibit 84.
15:06:53	15	was right about the same time. He knew I wanted to leave	15:08:29	15	BY MS. DONOSSO:
15:06:57	16	when we met with Dean Li.	15:08:29	16	Q. Was dated August 16th.
15:06:59	17	Q. Was he present during the meeting with Dean	15:08:30	17	A. So Dean Li and McMahon and I met on
15:07:02	18	Li?	15:08:34	18	August 16th.
15:07:02	19	A. Yes. Yes.	15:08:35	19	MR. ROBINSON: After you provided the
15:07:02	20	Q. I thought you and Dean Li had met alone.	15:08:38	20	confidential memo to Dean Li or before?
15:07:06	21	A. The first meeting was alone. The second	15:08:39	21	THE WITNESS: Yes, I had asked to be able to
15:07:10	22	meeting was with McMahon.	15:08:42	22	talk to him about the IRB issues and resolve that to find
15:07:12	23	Q. Okay, and that happened before this meeting	15:08:45	23	out which data I could share, which data I couldn't, IRB
15:07:14	24	on August 17th?	15:08:52	24	issues, and they didn't want to talk about it, and I just
15:07:16	25	A. Right, and I had after the meeting with	15:08:58	25	said, before we move ahead, I need to get clarification
		Page 147			Page 148
15:09:02	1	Page 147 because I need to know where the data is before I leave.	15:11:15	1	Page 148 renewal, they indicated that I had given them
15:09:02 15:09:02	1 2	-	15:11:15 15:11:21	1 2	_
		because I need to know where the data is before I leave.			renewal, they indicated that I had given them
15:09:02	2	because I need to know where the data is before I leave. BY MS. DONOSSO:	15:11:21	2	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on
15:09:02 15:09:13	2	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the	15:11:21 15:11:31	2	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from
15:09:02 15:09:13 15:09:15	2 3 4	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department?	15:11:21 15:11:31 15:11:37	2 3 4	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on
15:09:02 15:09:13 15:09:15 15:09:16	2 3 4 5	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were	15:11:21 15:11:31 15:11:37 15:11:41	2 3 4 5	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC,
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21	2 3 4 5	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder,	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47	2 3 4 5	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31	2 3 4 5 6 7	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47 15:11:54	2 3 4 5 6 7	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48	2 3 4 5 6 7 8 9	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01	2 3 4 5 6 7 8	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC.
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52	2 3 4 5 6 7 8 9 10	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I	15:11:21 15:11:31 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09	2 3 4 5 6 7 8 9	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC.
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:36 15:09:42 15:09:48 15:09:52 15:09:56	2 3 4 5 6 7 8 9 10 11	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13	2 3 4 5 6 7 8 9 10	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01	2 3 4 5 6 7 8 9 10 11 12 13	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18	2 3 4 5 6 7 8 9 10 11	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:36 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05	2 3 4 5 6 7 8 9 10 11 12 13 14	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could	15:11:21 15:11:31 15:11:37 15:11:41 15:11:47 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26	2 3 4 5 6 7 8 9 10 11 12	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:36 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05	2 3 4 5 6 7 8 9 10 11 12 13 14	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:36 15:09:42 15:09:48 15:09:56 15:10:01 15:10:05 15:10:06 15:10:11	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09	2 3 4 5 6 7 8 9 10 11 12 13 14	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:42 15:09:56 15:10:01 15:10:05 15:10:06 15:10:11 15:10:13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education.	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left.
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:56 15:10:01 15:10:05 15:10:06 15:10:11 15:10:13 15:10:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay.	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14 15:13:15	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues
15:09:02 15:09:13 15:09:15 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:14 15:13:15	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left.
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:36 15:09:42 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:14 15:13:15 15:13:15	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1.
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:32 15:09:40	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have access to identifiable data.	15:11:21 15:11:31 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:14 15:13:15 15:13:21 15:13:25 15:13:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1. So let's start with the Botkin one, and then we'll work
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:32 15:10:40 15:10:46	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have access to identifiable data. Q. So your concern was that they had created an	15:11:21 15:11:31 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14 15:13:15 15:13:21 15:13:25 15:13:52 15:13:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1. So let's start with the Botkin one, and then we'll work our way through the John Stillman ones. How is that? So
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:40 15:10:46 15:11:01	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have access to identifiable data. Q. So your concern was that they had created an amendment to the IRB and they were using that data under	15:11:21 15:11:31 15:11:41 15:11:47 15:11:54 15:12:01 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14 15:13:21 15:13:25 15:13:52 15:13:58 15:14:03	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1. So let's start with the Botkin one, and then we'll work our way through the John Stillman ones. How is that? So we're on Exhibit 88?
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:40 15:10:46 15:11:01 15:11:04	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have access to identifiable data. Q. So your concern was that they had created an amendment to the IRB and they were using that data under their own research projects?	15:11:21 15:11:37 15:11:41 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14 15:13:15 15:13:21 15:13:25 15:13:52 15:13:58 15:14:03 15:14:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1. So let's start with the Botkin one, and then we'll work our way through the John Stillman ones. How is that? So we're on Exhibit 88? COURT REPORTER: Yes.
15:09:02 15:09:13 15:09:16 15:09:21 15:09:31 15:09:42 15:09:48 15:09:52 15:09:56 15:10:01 15:10:05 15:10:11 15:10:13 15:10:18 15:10:29 15:10:40 15:10:46 15:11:01	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	because I need to know where the data is before I leave. BY MS. DONOSSO: Q. By data, you mean which one of the databases you could take with you to the department? A. No, where the data had went. I had lost the chain of custody of the data. So the IRB that Bilder, McMahon and Bakian submitted indicated that they were using identifiable data from my CDC grants. I didn't have an IRB from the health department for Bakian and Bilder to access identifiable data. I had nothing from the school district saying they could use that data, so I had lost the chain of custody of my data. Had I just gotten anything from the health department or State Office of Education or data sources saying they could have the data, I would've gladly given it to them, but they didn't go through the process of the health department or contact the State Office of Education. Q. Okay. A. So my hope was that they would tell me where the data was and that they would clarify who could have access to identifiable data. Q. So your concern was that they had created an amendment to the IRB and they were using that data under	15:11:21 15:11:37 15:11:41 15:11:47 15:11:54 15:12:01 15:12:09 15:12:13 15:12:18 15:12:26 15:13:05 15:13:09 15:13:14 15:13:15 15:13:21 15:13:25 15:13:52 15:13:52 15:13:58 15:14:25 15:14:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	renewal, they indicated that I had given them identifiable data that they were using to do research, including birth certificate data and grant data from school and health sources. They were also indicating on that IRB that they were receiving funding from the CDC, and because he was not willing to switch the order on the grant, I did my own IRB for my own grant efforts, which was paid for by the CDC. Also in discovery, there is an IRB that Bilder, Bakian and McMahon created saying they were the PIs on the CDC grant and receiving funding from the CDC. Q. Right. Let's look at that. So as a result of your concerns, you actually ended up filing two separate complaints with the IRB office; isn't that correct? A. I sought clarification on multiple issues with the IRB from 2011 until I left. Q. Okay, so let's begin with Complaint No. 1. So let's start with the Botkin one, and then we'll work our way through the John Stillman ones. How is that? So we're on Exhibit 88? COURT REPORTER: Yes. (Whereupon Exhibit 88 was marked for identification.)

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 39 of 57

	Page 149		Page 150
15:14:34 1	A. Yes.	15:16:37	
15:14:34 1	Q. So this is a summary of the former complaint	15:16:43	e j
15:14:46 3	that you filled with Jeff Botkin on November 30th, 2012,		that Dr. Amanda Bakian has copied my identifiable
15:14:40 3	and it states it references the original IRB 00011805	15:16:51	
15:15:23 5	and it goes on to say that Bill McMahon modified the	15:16:58	
15:15:28 6	original IRB in June of 2012 indicating his intent to use	15:17:07	
15:15:20 0	identifiable school and health data, i.e., maternal birth	15:17:12	
15:15:41 8	addresses, as you have previously testified, obtained	15:17:17	
15:15:44 9	through grant and contract activities, as you've	15:17:21	
15:15:48 10	previously testified, this was your complaint, in this	15:17:28 10	_
15:15:50 11	IRB Dr. McMahon suggests that he's authorized to use this	15:17:35 13	
15:15:52 12	data as he is a PI on the CDC Autism Surveillance grant,	15:17:36 12	•
15:15:57 13	for, which I am the PI, and implies that he has approval	15:17:37 13	
15:15:59 14	to use identifiable school data, and then you go on to	15:18:38 14	
15:16:04 15	say: "To my knowledge, Dr. McMahon has never had a	15:18:54 15	
15:16:07 16	cooperative agreement with the CDC or a contractual	15:18:54 16	
15:16:11 17	agreement with education." And by education, I'm	15:19:00 1	_ : :::::::::::::::::::::::::::::::::::
15:16:16 18	assuming you mean the Utah State Office of Education as	15:19:01 18	
15:16:19 19	well as maybe even broader, the Jordan School District,	15:19:02 19	
15:16:20 20	etc., etc.; is that correct?	15:19:10 20	•
15:16:21 21	A. Yes, you know, as required by local education	15:19:14 21	
15:16:26 22	authorities.	15:19:15 22	.,
15:16:26 23	Q. Okay. Then you also go on to say: "Dr.	15:19:16 23	
15:16:30 24	McMahon has signed a nondisclosure form in my grant	15:19:21 24	
15:16:34 25	activities and has never had direct access to	15:19:26 25	
	Page 151		Page 152
15:19:29 1	Page 151 E-mail. It appears that both the privacy office and the	15:21:47 1	_
15:19:29 1 15:19:32 2		15:21:47 1 15:21:58 2	department on December 10th, 2012, and the health
	E-mail. It appears that both the privacy office and the		department on December 10th, 2012, and the health
15:19:32 2	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and	15:21:58 2	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the
15:19:32 2 15:19:39 3	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that	15:21:58 2 15:22:04 3	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who
15:19:32 2 15:19:39 3 15:19:43 4	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement,	15:21:58 2 15:22:04 3 15:22:04 4	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:28 7	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:28 7 15:22:32 8	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not?
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:28 7 15:22:32 8 15:22:35 9	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not?
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:28 7 15:22:32 8 15:22:35 9 15:22:36 10	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not.
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10 15:20:12 11	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:28 7 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10 15:20:12 11 15:20:14 12	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10 15:20:12 11 15:20:14 12 15:20:18 13	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:09 10 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012?	15:21:58 2 15:22:04 3 15:22:24 4 15:22:27 6 15:22:28 7 15:22:32 8 15:22:36 10 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:43 19	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes.	15:21:58 2 15:22:04 3 15:22:24 4 15:22:22 5 15:22:28 7 15:22:32 8 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:41 12 15:22:43 13 15:22:44 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:41 19 15:20:44 20	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his	15:21:58 2 15:22:04 3 15:22:24 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19 15:23:23 20	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:40 18 15:20:44 20 15:20:57 21	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his opinion there were no violations, no privacy violations?	15:21:58 2 15:22:04 3 15:22:24 4 15:22:27 6 15:22:28 7 15:22:32 8 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19 15:23:23 20 15:23:32 21	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let them know that I didn't know where the data was, the
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:43 19 15:20:44 20 15:20:57 21 15:21:05 22	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his opinion there were no violations, no privacy violations? A. So that the letter I received from the	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:21 19 15:23:23 20 15:23:32 21 15:23:37 22	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let them know that I didn't know where the data was, the state IT person brought with him Ryan Van Fleet, who was
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:44 20 15:20:57 21 15:21:05 22 15:21:08 23	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his opinion there were no violations, no privacy violations? A. So that the letter I received from the privacy office said they didn't look into FERPA issues,	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19 15:23:23 20 15:23:32 21 15:23:37 22 15:23:43 23	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let them know that I didn't know where the data was, the state IT person brought with him Ryan Van Fleet, who was with the public safety office, and
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:43 19 15:20:44 20 15:20:47 21 15:21:05 22 15:21:08 23 15:21:23 24	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his opinion there were no violations, no privacy violations? A. So that the letter I received from the privacy office said they didn't look into FERPA issues, so, and he was no longer on the grant and I still didn't	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:36 10 15:22:41 12 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19 15:23:23 20 15:23:32 21 15:23:37 22 15:23:43 23 15:23:43 24	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let them know that I didn't know where the data was, the state IT person brought with him Ryan Van Fleet, who was with the public safety office, and BY MS. DONOSSO:
15:19:32 2 15:19:39 3 15:19:43 4 15:19:48 5 15:19:51 6 15:19:55 7 15:20:00 8 15:20:04 9 15:20:12 11 15:20:14 12 15:20:18 13 15:20:22 14 15:20:28 15 15:20:31 16 15:20:34 17 15:20:40 18 15:20:44 20 15:20:57 21 15:21:05 22 15:21:08 23	E-mail. It appears that both the privacy office and the IRB have evaluated your concerns regarding HIPAA and HITECH and have found no violations. It is evident that Dr. McMahon is a co-signer on the CDC privacy agreement, so this indicates to me, as determined by the privacy office, that Dr. McMahon is approved for access to this data. The other questions are whether FERPA violations have occurred or whether there have been inappropriate access to files in you office. I will check with Robert Payne." Etc. Etc. And then he goes on to say: "I suspect the conclusion will be the same if Dr. McMahon is also a co-signer on agreements regarding access to education data. I will forward this to general counsel and see if I can get back to you." And then at the top you did send him a response telling him that you believed that the information is incorrect. Do you recall getting this response from Jeff Botkin in December of 2012? A. Yes. Q. What did you do after he told you that in his opinion there were no violations, no privacy violations? A. So that the letter I received from the privacy office said they didn't look into FERPA issues,	15:21:58 2 15:22:04 3 15:22:04 4 15:22:22 5 15:22:27 6 15:22:32 8 15:22:35 9 15:22:36 10 15:22:38 11 15:22:41 12 15:22:41 12 15:22:43 13 15:22:48 14 15:22:54 15 15:22:59 16 15:23:07 17 15:23:11 18 15:23:20 19 15:23:23 20 15:23:32 21 15:23:37 22 15:23:43 23	department on December 10th, 2012, and the health department confronted him, McMahon, about bypassing the oversight committee process. I asked Rich Harwood, who was a bureau director, I believe he was a bureau director, if he knew where the data was, if he could just tell me where the health department data was, and he said I have no idea, the health department didn't set up contracts appropriately. MR. ROBINSON: Did or did not? THE WITNESS: Did not. MR. ROBINSON: The health department did not do that? That's yes? THE WITNESS: Yes. And I indicated to him that if that and Harper Randall indicated she had no idea who had access to URADD data, even though she was to approve oversight committee approvals, so given the fact that I didn't know where the data was, the privacy office had not decided on the FERPA issue, Robert Payne hadn't gotten back to me, the health department didn't know where the data was, I contacted state IT person to let them know that I didn't know where the data was, the state IT person brought with him Ryan Van Fleet, who was with the public safety office, and

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 40 of 57

		Page 153			Page 154
15:23:56	1	to keep alleging that the data was lost. My	15:25:31	1	know where the data was.
15:23:59	2	understanding was that the URADD database was always	15:25:33	2	Q. Okay, so
15:24:02	3	housed in a server at the University. Am I mistaken?	15:25:36	3	MR. ROBINSON: Can we just define the data?
15:24:06	4	A. It was housed on a secured server that only	15:25:38	4	Are we talking about all the data on the URADD database?
15:24:09	5	authorized data users could access.	15:25:44	5	THE WITNESS: I don't know what they took.
15:24:12	6	Q. So why do you keep referring to it as being	15:25:45	6	MR. ROBINSON: You don't know if they took
15:24:16	7	lost?	15:25:47	7	anything?
15:24:16	8	A. Because my understanding was that from my	15:25:47	8	THE WITNESS: I believe they did. They did
15:24:20	9	mentor that Bakian had copied it from the secured site	15:25:53	9	in December.
15:24:25 1	10	and put it on her own computer and was sharing it, which	15:25:54	10	MR. ROBINSON: I know you believe, but you
15:24:29 1	11	was consistent with the testimony that Bilder gave, and I	15:25:55	11	don't know what or if they took anything?
15:24:35 1	12	had no agreements from any of the sources that gave me	15:25:58	12	THE WITNESS: From the response from the
15:24:41 1	13	permission to share that data with them.	15:26:00	13	privacy office, they indicated that he I was expecting
15:24:44 1	14	Q. Bilder also testified that it wasn't being	15:26:06	14	them to say here's where the data is because that was my
15:24:48 1	15	shared. It was only being used in order to continue to	15:26:10	15	question, can you tell me where the data is.
15:24:52 1	16	do the work related to the grants.	15:26:13	16	MR. ROBINSON: And he told you that they had
15:24:55 1	17	A. She wasn't on the grant, so when they took	15:26:15	17	authorized access to the data?
15:24:59 1	18	it, they weren't on the grant.	15:26:17	18	THE WITNESS: To HIPAA data, to the extent it
15:25:03 1	19	Q. I guess there's a dispute of fact on that	15:26:21	19	was deidentified, and they had an approved IRB saying
15:25:07 2	20	issue, but, anyway, so, I mean, so the data I mean,	15:26:28	20	they were using identifiable data, so that is why I asked
15:25:12 2	21	the data was always on the University of Utah's server.	15:26:31	21	privacy's help.
15:25:16 2	22	It was never lost; is that correct?	15:26:32	22	MR. ROBINSON: You still don't know today
15:25:18 2	23	A. I don't know who had the data, so the	15:26:35	23	what data? You can't identify the data for us today?
15:25:22 2	24	question was where was the data and non-authorized users	15:26:38	24	THE WITNESS: No, I think you would need the
15:25:28 2	25	had taken the data. That was the question. So I didn't	15:26:40	25	privacy office to do that.
		Dana 1 E E			Dama 1 E C
		Page 155			Page 156
15:26:41	1	MR. ROBINSON: Okay.	15:40:53	1	A. Yes.
15:26:45	2	MR. ROBINSON: Okay. THE WITNESS: That was my question.	15:40:54	2	A. Yes. Q. Can you tell me what it is?
15:26:45 15:26:49	2	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay.	15:40:54 15:40:55	2	A. Yes.Q. Can you tell me what it is?A. I just notified Botkin that my contract
15:26:45 15:26:49 15:26:50	2 3 4	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break?	15:40:54 15:40:55 15:41:03	2 3 4	A. Yes.Q. Can you tell me what it is?A. I just notified Botkin that my contract wasn't being renewed.
15:26:45 15:26:49 15:26:50 15:26:52	2 3 4 5	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure.	15:40:54 15:40:55 15:41:03 15:41:04	2 3 4 5	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27	2 3 4 5 6	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.)	15:40:54 15:40:55 15:41:03 15:41:04 15:41:08	2 3 4 5 6	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27	2 3 4 5 6 7	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO:	15:40:54 15:40:55 15:41:03 15:41:04 15:41:08 15:41:26	2 3 4 5 6 7	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes.
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:20	2 3 4 5 6 7 8	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is	15:40:54 15:40:55 15:41:03 15:41:04 15:41:08 15:41:26 15:41:28	2 3 4 5 6 7 8	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:20 15:38:54	2 3 4 5 6 7 8 9	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff	15:40:54 15:40:55 15:41:03 15:41:04 15:41:08 15:41:26 15:41:28 15:41:29	2 3 4 5 6 7 8 9	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract.
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:20 15:38:54 15:39:01	2 3 4 5 6 7 8 9	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him;	15:40:54 15:40:55 15:41:03 15:41:04 15:41:08 15:41:26 15:41:28 15:41:29 15:41:36	2 3 4 5 6 7 8 9	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter;
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:20 15:38:54 15:39:01	2 3 4 5 6 7 8 9 10	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40	2 3 4 5 6 7 8 9 10	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:20 15:38:54 15:39:01	2 3 4 5 6 7 8 9 10 11	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41	2 3 4 5 6 7 8 9 10	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes.
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16	2 3 4 5 6 7 8 9 10 11	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41	2 3 4 5 6 7 8 9 10 11	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th,
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19	2 3 4 5 6 7 8 9 10 11 12	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes.	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45	2 3 4 5 6 7 8 9 10 11 12	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:13 15:39:16 15:39:19 15:39:19	2 3 4 5 6 7 8 9 10 11 12 13	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45 15:41:46	2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:13 15:39:16 15:39:19 15:39:19 15:39:19 15:39:28	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes.	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45 15:41:45 15:41:46 15:41:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:28 15:39:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah?	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45 15:41:45 15:41:50 15:41:55	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer.
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:28 15:39:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th.	15:40:54 15:40:55 15:41:03 15:41:04 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45 15:41:45 15:41:50 15:41:55	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:19 15:39:28 15:39:32 15:39:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December?	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:40 15:41:41 15:41:42 15:41:45 15:41:45 15:41:50 15:41:55 15:41:58	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy — the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:19 15:39:28 15:39:32 15:39:38 15:39:47	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December? A. I believe that is the date. It was a day or	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:40 15:41:40 15:41:41 15:41:45 15:41:45 15:41:50 15:41:55 15:41:58 15:42:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct? A. Yes.
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:19 15:39:28 15:39:32 15:39:32 15:39:32 15:39:37 15:39:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December? A. I believe that is the date. It was a day or two after I met with the IT people.	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:42 15:41:45 15:41:50 15:41:55 15:41:58 15:42:00 15:42:00	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct? A. Yes. Q. And did you receive this document via mail or
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:36:27 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:19 15:39:28 15:39:32 15:39:32 15:39:32 15:39:32 15:39:37 15:39:57 15:40:19	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December? A. I believe that is the date. It was a day or two after I met with the IT people. Q. Let me give you what we'll now mark as	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:45 15:41:45 15:41:50 15:41:55 15:41:58 15:42:00 15:42:00 15:42:05 15:42:09	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct? A. Yes. Q. And did you receive this document via mail or hand delivery?
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:13 15:39:16 15:39:19 15:39:19 15:39:19 15:39:28 15:39:32 15:39:32 15:39:32 15:39:37 15:39:51 15:39:51 15:39:57 15:40:19 15:40:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December? A. I believe that is the date. It was a day or two after I met with the IT people. Q. Let me give you what we'll now mark as Exhibit 90.	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:45 15:41:45 15:41:50 15:41:55 15:41:58 15:42:00 15:42:00 15:42:09 15:42:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct? A. Yes. Q. And did you receive this document via mail or hand delivery? A. I think he handed it to me at the end of the
15:26:45 15:26:49 15:26:50 15:26:52 15:36:27 15:38:20 15:38:54 15:39:01 15:39:08 15:39:13 15:39:16 15:39:19 15:39:19 15:39:28 15:39:32 15:39:32 15:39:32 15:39:37 15:39:57 15:40:19 15:40:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	MR. ROBINSON: Okay. THE WITNESS: That was my question. MS. DONOSSO: Okay. MS. LEONARD: Can we take a short break? MS. DONOSSO: Sure. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. So let's talk now so on December 2nd, is when you had that conversation, that exchange, with Jeff Botkin regarding the status of your complaint with him; is that correct? In December of 2012 is when you had that E-mail exchange with Jeff Botkin regarding the status of your complaint with him; is that correct? A. Yes. Q. Do you recall when you received your non-renewal letter from the University of Utah? A. I believe it was the 14th. Q. The 14th of December? A. I believe that is the date. It was a day or two after I met with the IT people. Q. Let me give you what we'll now mark as Exhibit 90. (Whereupon Exhibit 90 was marked for identification.)	15:40:54 15:40:55 15:41:03 15:41:08 15:41:26 15:41:28 15:41:29 15:41:36 15:41:40 15:41:41 15:41:45 15:41:45 15:41:50 15:41:55 15:41:58 15:42:00 15:42:00 15:42:09 15:42:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. Yes. Q. Can you tell me what it is? A. I just notified Botkin that my contract wasn't being renewed. Q. Now, previously in that exhibit binder, if you turn to Exhibit 20, do you recognize that document? A. Yes. Q. What is that document? A. That he's not renewing my contract. Q. Right, but that is your non-renewal letter; is that correct? A. Yes. Q. And this document is dated December 10th, 2012; is that correct? A. I did not receive it until after I met with the privacy the IT people and the privacy officer. Q. Right, but this document is dated December 10th, 2012; correct? A. Yes. Q. And did you receive this document via mail or hand delivery? A. I think he handed it to me at the end of the day or sort on this day.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 41 of 57

		Page 157			Page 158
15:42:26	1	Q 90, so although your non-renewal letter is	15:44:57	1	Q. Do you recognize this document?
15:42:29	2	dated December 10th.	15:44:58	2	A. Yes.
15:42:29	3	A. Right.	15:45:00	3	Q. Can you tell me what it is?
15:42:33	4	Q. Okay. According to what has now been marked	15:45:02	4	A. It's a complaint I filed with the privacy
15:42:35	5	as Exhibit 90, it appears that you actually received it	15:45:06	5	office.
15:42:39	6	and learned that you were not having your annual contract	15:45:06	6	Q. You mean the Office of Equal Opportunity and
15:42:44	7	renewed on or about December 12th	15:45:11	7	Affirmative Action?
15:42:46	8	A. Correct.	15:45:11	8	A. Yes. Yes.
15:42:46	9	Q of 2012; is that correct?	15:45:11	9	Q. And it is dated December 14th, 2012; correct?
15:42:48	10	A. Yes.	15:45:17	10	A. Uh-huh, yes.
15:42:48	11	Q. Okay, and was Jeff Botkin the first person	15:45:18	11	Q. So this would have been two days after you
15:43:02	12	that you contacted at the time that you received your	15:45:21	12	received your non-renewal letter; correct?
15:43:05	13	non-renewal letter?	15:45:24	13	A. Yes.
15:43:08	14	A. I don't recall.	15:45:24	14	Q. And according to this form, complaint form,
15:43:09	15	Q. Okay. Why was it your first instinct to	15:45:29	15	you your charge, your complaint form states that
15:43:15	16	figure out how to file a retaliation complaint when you	15:45:35	16	you're filing a complaint for religion, sex, age,
15:43:19	17	learned of your non-renewal?	15:45:39	17	disability and retaliation; is that correct?
15:43:22	18	A. I believe that I was being retaliated for	15:45:42	18	A. Yes.
15:43:26	19	reporting privacy concerns and plagiarism.	15:45:43	19	Q. And you attached a two-page, single spaced
15:43:34	20	Q. Okay.	15:45:54	20	summary of your allegations to this form; is that
15:43:36	21	A. And ethical concerns.	15:45:58	21	correct?
15:43:39	22	Q. Let me give you what we'll now mark as	15:45:58	22	A. Yes.
15:44:56	23	Exhibit 91.	15:45:59	23	Q. And is this a true and correct copy of what
15:44:56	24	(Whereupon Exhibit 91 was marked for identification.)	15:46:08	24	you submitted to OEO on December 14th of 2012?
15:44:56	25	BY MS. DONOSSO:	15:46:15	25	A. Yes.
		Page 159			Page 160
15:46:15	1	Q. Previously to this date, had you filed any	15:50:14	1	Nan Streeter.
15:46:24	2	complaints of discrimination during your tenure at the	15:50:18	2	Q. Okay, so let me show you what we'll mark as
15:46:28	3	university?	15:50:27	3	Exhibit No. 92.
15:46:30	4	A. Yes.	15:51:16	4	(Whereupon Exhibit 92 was marked for identification.)
15:46:30	5	Q. What complaints had you filed with the OEO	15:51:16	5	BY MS. DONOSSO:
15:46:37	6	prior to December of 2012?	15:51:17	6	Q. Do you recognize this E-mail?
15:46:39	7	A. I filed with Dean Li.	15:51:19	7	A. Yes.
15:46:42	8	Q. Dean Li is not with the OEO. I'm talking	15:51:19	8	Q. Okay, so this is about a week before you got
15:46:46	9	about with the OEO.	15:51:25	9	your non-renewal letter, around Thanksgiving time, and
15:46:48		A. This is the first one with the OEO.	15:51:29		you say to Harper: "I just wanted to let you know the
		Q. Okay. You previously testified that you	15:51:34		University is still reviewing a number of questions that
15:46:52	12	consulted regarding your concerns with the Department of	15:51:35		I have related to privacy. I thought it may be something
15:49:09	10	TT 14 1 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4			
15:49:09 15:49:14	13	Health; is that correct?	15:51:38		you want to know as there are papers that may come to
15:49:09 15:49:14 15:49:15	14	A. Concerns about what?	15:51:46	14	URADD oversight committee and perhaps other non-health
15:49:09 15:49:14 15:49:15 15:49:17	14 15	A. Concerns about what? Q. Related to privacy and URADD and the data; is	15:51:46 15:51:52	14 15	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours.
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23	14 15 16	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct?	15:51:46 15:51:52 15:51:56	14 15 16	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23	14 15 16 17	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes.	15:51:46 15:51:52 15:51:56 15:52:00	14 15 16 17	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:23	14 15 16 17 18	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05	14 15 16 17 18	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:23 15:49:35	14 15 16 17 18	 A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? 	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09	14 15 16 17 18 19	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:23 15:49:35 15:49:44	14 15 16 17 18 19 20	 A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written 	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14	14 15 16 17 18 19 20	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:35 15:49:35	14 15 16 17 18 19 20 21	 A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written approval from the oversight committee and the university 	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14 15:52:20	14 15 16 17 18 19 20 21	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it someone gone through the proper channel and has access to
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:35 15:49:44 15:49:48 15:49:54	14 15 16 17 18 19 20 21 22	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written approval from the oversight committee and the university or the health department IRB to give any data to anyone	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14 15:52:20 15:52:23	14 15 16 17 18 19 20 21	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it someone gone through the proper channel and has access to URADD? I do not want to obstruct others from using this
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:35 15:49:44 15:49:48 15:49:54	14 15 16 17 18 19 20 21 22 23	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written approval from the oversight committee and the university or the health department IRB to give any data to anyone that I had collected under my grant.	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14 15:52:20 15:52:23 15:52:28	14 15 16 17 18 19 20 21 22 23	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it someone gone through the proper channel and has access to URADD? I do not want to obstruct others from using this data as this is one of the functions of this registry to
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:35 15:49:44 15:49:48 15:49:54 15:49:58 15:50:01	14 15 16 17 18 19 20 21 22 23 24	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written approval from the oversight committee and the university or the health department IRB to give any data to anyone that I had collected under my grant. Q. And who gave you that understanding?	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14 15:52:20 15:52:23 15:52:28 15:52:32	14 15 16 17 18 19 20 21 22 23 24	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it someone gone through the proper channel and has access to URADD? I do not want to obstruct others from using this data as this is one of the functions of this registry to foster the understanding of ASDs. Harper." And then you
15:49:09 15:49:14 15:49:15 15:49:17 15:49:23 15:49:23 15:49:35 15:49:44 15:49:48 15:49:54	14 15 16 17 18 19 20 21 22 23 24	A. Concerns about what? Q. Related to privacy and URADD and the data; is that correct? A. Yes. Q. Did you get any type of advice or recommendations from them in regards to your questions? A. My understanding was that I needed written approval from the oversight committee and the university or the health department IRB to give any data to anyone that I had collected under my grant.	15:51:46 15:51:52 15:51:56 15:52:00 15:52:05 15:52:09 15:52:14 15:52:20 15:52:23 15:52:28	14 15 16 17 18 19 20 21 22 23 24	URADD oversight committee and perhaps other non-health agencies process or authority independent from yours. Thanks for your patience as I try to get clarification as I know privacy is important to us," and then Harper responds and says, Judy, and there is a typo here, but it says: "Are that you are saying no one except you should have any access to URADD data? How do you know that it someone gone through the proper channel and has access to URADD? I do not want to obstruct others from using this data as this is one of the functions of this registry to

	Page 161		Page 162
15:52:42	URADD data? It is up to health to decide and under what	15:54:07 1	concerned.
	circumstances." Do you see that?	15:54:08 2	Q. I think you were the only one who was
15:52:52	3 A. I see it.	15:54:10 3	concerned because other people are feeling that
15:52:53	4 Q. So if it is up to health to decide and under	15:54:13 4	somehow I mean, Harper is saying, are you saying no
15:52:57	5 what circumstances, why would you be concerned about	15:54:17 5	one except you should have access to URADD data, that is
15:53:03	6 where the data is?	15:54:22 6	pretty direct.
	7 A. Because the contract I had entered into with	15:54:23 7	A. Some of my agreements indicated I had to
15:53:08	8 vital records said that we could not share the data.	15:54:26 8	destroy the data.
15:53:11	9 Q. Okay. See, you keep changing all the answers	15:54:27 9	Q. But do you understand that these are not your
15:53:13 1		15:54:29 10	agreements? You're not signing the agreements on behalf
15:53:16 1		15:54:31 11	of the university. Do you understand that?
15:53:20 1	·	15:54:34 12	A. I was an employee of the university.
15:53:22 1		15:54:36 13	Q. Correct, so you're signing those agreements
15:53:25 1	-	15:54:40 14	as an employee of the university, not as Judy Zimmerman.
15:53:27 1		15:54:46 15	A. What is your question?
15:53:33 1		15:54:47 16	Q. Do you understand that you signed those
15:53:37 1		15:54:50 17	agreements as an employee of the university, not
15:53:41 1		15:54:52 18	personally or individually?
15:53:45 1		15:55:02 19	A. Yes.
15:53:50 2		15:55:02 20	Q. Did anybody else ever say to you that Bill
15:53:53 2		15:55:07 21	did not have access to the URADD data?
15:53:54 2	·	15:55:10 22	A. I'm not I don't understand the question.
15:53:55 2		15:55:12 23	Q. Did Harper Randall ever say to you Bill does
15:53:59 2		15:55:15 24	not have access to that data?
15:54:02 2		15:55:18 25	A. Harper Randall said to me that the data I
10.01.02	The Taibagree with what you said that no one was	10.00.10 20	11. Traper realisant said to the that the data?
	Page 163		Page 164
15:55:22	collected, identifiable data that researchers would get	15:56:40 1	Q. Okay. Did anybody from the privacy office or
15:55:24	from me needed to have oversight approval and UDOH IRB.	15:56:54 2	the security office ever contact you and say Bill McMahon
15:55:28	Q. That wasn't my question. Did Harper Randall	15:57:00 3	cannot access the data?
15:55:31	or Marc Babitz or Nan Streeter ever say to you Bill	15:57:03 4	A. The privacy office made it clear that they
15:55:37	McMahon does not have access to the URADD data?	15:57:06 5	did not look at FERPA issues, as Bill McMahon was not the
15:55:41	A. What do you mean by URADD data? Health data	15:57:09 6	PI on the CDC grant nor with the State Office of
15:55:42	collected under the health rule? No.	15:57:11 7	Education, so they didn't answer the question for me.
15:55:44	Q. Okay. Did anybody at CDC, did anybody from	15:57:13 8	MR. ROBINSON: That's not the question.
15:55:50	Georgia at the CDC ever say to you Bill McMahon does not	15:57:15 9	BY MS. DONOSSO:
15:55:55 1	have access to that data?	15:57:15 10	Q. That wasn't my question.
15:55:57 1	A. The agreement implies that he's not allowed	15:57:16 11	A. Then ask it again.
15:55:59 1	to have the data unless he gets approval from the data	15:57:18 12	Q. Did anybody from the security or privacy
15:56:02 1	sources in writing.	15:57:21 13	office ever say to you Bill McMahon, it would be a
15:56:05 1	Q. But if he has that wasn't my question.	15:57:25 14	violation of university policy for Bill McMahon to access
15:56:08 1	Did anybody ever call you and say he cannot look at this	15:57:29 15	this data?
15:56:11 1	data, touch this data, access this data?	15:57:29 16	A. I never got a final determination from the
15:56:14 1	A. From the CDC?	15:57:33 17	university privacy office.
15:56:16 1	Q. Yes.	15:57:33 18	MR. ROBINSON: Still not answering the
15:56:17 1	A. No, they wouldn't know unless they heard it	15:57:35 19	question.
15:56:20 2	from me.	15:57:35 20	BY MS. DONOSSO:
15:56:21 2	Q. Correct. Did anybody at the Utah from the	15:57:35 21	Q. Did they ever tell you that he cannot access
15:56:28 2	university IRB ever call, office of the university IRB	15:57:39 22	the data?
15:56:32 2		15:57:39 23	A. They didn't tell me one way or the other.
15:56:38 2		15:57:42 24	They didn't tell me.
15:56:39 2	5 A. No.	15:57:42 25	Q. Did they tell you this is not even a privacy

	Page 165			Page 166
15:57:46 1	or a security issue?	16:00:08	1	A. I see it.
15:57:48 2	A. No.	16:00:09	2	Q. Do you believe that's a clear description of
15:57:48 3	Q. Okay. You filed a report, a concern, a	16:00:17	3	your concern?
15:58:22 4	complaint with the university IRB office in July of 2012;	16:00:22	4	A. Yes.
15:58:28 5	is that correct?	16:00:23	5	Q. Now, in your in your first amended
15:58:29 6	A. Yes.	16:00:38	6	complaint, you've essentially alleged serious ethical
15:58:48 7	(Whereupon Exhibit 93 was marked for identification.)	16:00:53	7	concerns, research misconduct, breach of security
15:58:48 8	BY MS. DONOSSO:	16:00:59	8	agreements. Is that a fair statement?
15:58:49 9	Q. Let me give you what we've marked as	16:01:02	9	A. Yes.
15:58:52 10	Exhibit 93. Do you recognize this document?	16:01:02	10	Q. On Page 1, why did you put other problem or
15:58:58 11	A. Yes.	16:01:09	11	event instead of breach of security?
15:58:59 12	Q. Okay. Let's turn to the third page, which	16:01:17	12	A. So your question is under?
15:59:16 13	has PRD No. 9985 and this is where you're asked to	16:01:20		Q. Under type of report.
15:59:26 14	provide a narrative or description of the problem. Do	16:01:22		A. It was just a pull down file.
15:59:30 15	you see that?	16:01:25		Q. Right, and one of your options is breach of
15:59:32 16	A. On Page 3?	16:01:29	16	confidentiality or security.
15:59:34 17	Q. Uh-huh. Page 3.	16:01:30		A. I don't recall.
15:59:36 18	A. Yes.	16:01:34		Q. On the third page under your narrative, why
15:59:37 19	Q. Where it says provide a narrative description			didn't you just why didn't you say I believe my
15:59:44 20	of corrective action, intervention or treatment provided,	16:01:50		there has been a breach of security agreements? Why did
15:59:50 21	here you wrote down reported concerns to Dr. McMahon and	16:01:54	21	you instead write down a list of what you've done as
15:59:56 22	Bakian, sought assistance from dean of research, filed a	16:01:58		opposed to explaining that you felt that there was a
15:59:57 23	concern, notified Centers of Disease Control and removed	16:02:01	23	breach of security and confidentiality agreements?
16:00:01 24	Dr. Bakian's assess to any research files. Do you see	16:02:03		A. As I recall the question was what action have
16:00:08 25	that?	16:02:05		you taken to try and resolve this.
	Page 167			Page 168
16:02:08 1	Q. After you filed this report, did the IRB	16:04:32	1	close out the report." And their explanation is: "This
16:02:26 2	office contact you seeking clarification of your report?	16:04:39	2	not the cases, as any data would have been transferred or
16:02:30 3	A. Nope.	16:04:43	3	viewed by other university employees. It appears that
16:02:31 4	Q. Okay, and did you eventually get an answer	16:04:47	4	your report stems from a concern about how the data was
16:02:39 5	from them regarding this report?	16:04:51	5	transferred or viewed." Do you see that in the second
16:02:42 6	A. My understanding was they said there was no	16:04:53	6	paragraph?
16:02:45 7	breach because it was accessed by university employees.	16:04:54	7	A. Yes.
16:02:52 8	They didn't address the question about access by	16:04:54	8	Q. Okay. "If this is a concern of overlapping
16:02:55 9	non-authorized users and they indicated that I may have	16:05:00	9	objectives amongst studies within your department, that
16:03:00 10	to file something at the end of the grant cycle.	16:05:04	10	concern should be addressed within your department and/or
16:03:06 11	Q. Let's look at the completion letter so we're	16:05:05	11	in a consultation with the Office of Research Integrity."
16:03:11 12	accurate about what they said.	16:05:09	12	Did you, in fact, consult with the Office of Research
16:03:36 13	(Whereupon Exhibit 94 was marked for identification.)	16:05:14	13	Integrity?
16:03:36 14	BY MS. DONOSSO:	16:05:14	14	A. That is Dr. Botkin.
16:03:52 15	Q. Do you recognize this document?	16:05:16	15	Q. Okay, and we already read their
16:03:54 16	A. Yes.	16:05:18	16	recommendation into the record. Okay, and then after
16:03:54 17	Q. Is it a true and correct copy of the response	16:05:25	17	this, you, in fact, did file a second complaint with the
16:04:00 18	that you received to your first complaint to the IRB	16:05:32	18	IRB office again; correct?
16:04:03 19	office?	16:05:34	19	A. I don't recall. Oh, yes, notifying them,
16:04:03 20	A. Yes.	16:05:41	20	yes.
16:04:04 21	Q. And this is dated approximately October 29th,	16:06:10	21	(Whereupon Exhibit 95 was marked for identification.)
16:04:15 22	2012, and it states: "Dr. Zimmerman. We have received	16:06:10	22	BY MS. DONOSSO:
16:04:19 23	the information you have provided." And it is their	16:06:13	23	Q. Do you recognize this document?
16:04:25 24	determination that, quote: "A breach of privacy	16:06:14	24	A. Yes.
16:04:28 25	confidentiality did not occur; therefore, the IRB will	16:06:15	25	Q. Is it a true and correct copy of the second

			Page 170
			_
16:06:20	report that you filed with the IRB office on or about	16:08:46 1	A. Yeah, let me read it for a second.
16:06:24	2 January 4th of 2013?	16:08:49 2	Q. Absolutely.
16:06:27	3 A. Yes.	16:09:05 3	A. Yes.
16:06:27	Q. Now, again, you had the option on the pull	16:09:05 4	Q. Okay, and you did not receive this until
16:06:37	down menu of choosing breach of confidentiality but you	16:09:09 5	after you were no longer with the university because this
16:06:42	6 chose to use the other problem or event option under	16:09:13 6	completion letter is dated July 22nd, 2013, and it states
16:06:48	Paragraph 2 on the first page. Do you see that?	16:09:26 7	that after reviewing your report form, as it was
16:06:52	8 MS. LEONARD: I want to clarify for the	16:09:34 8	previously determined in the previous complaint, they
16:06:54	9 record that on the face of the document, you can't tell	16:09:39 9	don't believe that the present report form does not
	if there is a pull down screen.	16:09:44 10	represent an unanticipated problem involving risk to
	MS. DONOSSO: We'll go over that on John	16:09:46 11	participants or others and, therefore, they determined
	12 Stillman's deposition tomorrow.	16:09:48 12	that a breach of privacy or confidentiality did not
	Q. Okay. Let's turn to let's turn to Page 2	16:09:53 13	occur; therefore, they will close out the report. Do you
	under problem or event description. Here you do provide	16:09:56 14	see that on the second paragraph?
16:07:38 1		16:09:58 15	A. I do.
	of my grant files for which I was the principal	16:09:59 16	Q. Okay. Okay. I'm only aware of these two
	investigator on January 4th." Do you see that? And then	16:10:12 17	formal complaint forms with the IRB office. Did you file
	you also state that he blocked your access to the files	16:10:17 18	any other complaint forms after these two or are these
	for your research of the Utah IRB. And then do you	16:10:22 19	two the only ones that you filed with the IRB office?
	20 recall getting a response to this complaint?	16:10:26 20	A. These are the only two that I can recall.
	A. I don't recall.	16:10:29 21	Q. Okay. There was an investigation conducted
	22 Q. Okay.	16:10:45 22	by Chris Kidd and Jerry Smith regarding the allegations
	(Whereupon Exhibit 96 was marked for identification.)	16:10:52 23	of HIPAA, HITECH and FERPA regulations. I want to
	24 BY MS. DONOSSO:	16:10:59 24	address those at this time. Okay, we have these. Do we
16:08:43 2	Q. Does this refresh your recollection?	16:12:34 25	have this one or not, the original exhibit? I don't want
	Page 171		Page 172
16:12:38	1 to mark something twice.	16:15:24 1	but that's what it says.
	2 MS. LEONARD: It's 39.	16:15:25 2	Q. Okay, and it states on the document that this
	3 MS. DONOSSO: I thought we had. Thank you,	16:15:34 3	arose based on allegations by Dr. Judy Zimmerman that Dr.
	4 okay.	16:15:38 4	Bill McMahon had accessed data in violation of HIPAA,
	5 Q. Let me show what we have previously marked as	16:15:45 5	HITECH and FERPA regulations. Now, he does state that
	6 Exhibit No. 39. Do you recognize this document?	16:15:50 6	his report does not address any FERPA issues and you had
	7 A. Yes.	16:15:53 7	previously testified to that. As the information,
	8 Q. So this is a final report that was prepared	16:15:56 8	security and privacy office is charged only with HIPAA
	9 by Jerry Smith, who is a senior analyst at the security	16:16:00 9	and HITECH compliance. Do you see that at the first
16:14:17 1		16:16:04 10	sentence of the second paragraph?
16:14:32 1	* *	16:16:05 11	A. I see that, but I doubled check with the
16:14:38 1		16:16:07 12	privacy office and they said that is incorrect. They
16:14:41 1		16:16:11 13	deal with FERPA issues as well.
16:14:46 1		16:16:13 14	Q. Who told you that?
16:14:48 1	•	16:16:14 15	A. Brad Nelson.
16:14:50 1	2 ,	16:16:16 16	Q. Okay. When did he tell you that?
16:14:52 1	·	16:16:23 17	A. Sometime shortly after I received this.
16:14:52 1		16:16:33 18	Q. Now, here it says: "I would direct Dr.
16:14:55 1		16:16:35 19	Zimmerman to contact Robert Payne in the office of
16:14:59 2		16:16:38 20	general counsel with any allegations of violations of
16:14:59 2		16:16:41 21	FERPA." Did you ever contact Robert Payne?
l <u>-</u>		16:16:44 22	A. Yes.
16:15:06 2		16:16:44 23	Q. And when did you contact him?
16:15:12 2			· · · · · · · · · · · · · · · · · · ·
	24 2012; is that correct?	16:16:46 24 16:16:52 25	A. There is some E-mails. I don't recall but it was shortly after this.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 45 of 57

	Page 173		Page 174
16:16:53	Q. What did Mr. Payne tell you regarding the	16:18:18 1	McMahon and it is his opinion that given the fact that
	FERPA violations?	16:18:31 2	the data is in the second page, sorry, I've moved on
16:16:58	3 A. Nothing.	16:18:34 3	really quickly because I recognize there is a lot to go
16:16:59	Q. Did you ask him to do something and did he	16:18:37 4	through and I don't want to just read the letter, since
16:17:05	just not follow through with it or what happened?	16:18:40 5	it speaks for itself. The last paragraph states: "To
16:17:08	A. We had no response.	16:18:43 6	the extent that the data are deidentified, Dr. McMahon's
16:17:09	Q. So what did you ask Mr. Payne to do that he	16:18:46 7	use of such data would not violate HIPAA. To the extent
16:17:14	8 didn't respond to?	16:18:50 8	that the data are identifiable, Dr. McMahon was permitted
16:17:16	9 A. We asked him about this question and my	16:18:54 9	by the relevant data use agreements, grant documents or
16:17:21 1	attorney contacted him as well.	16:18:59 10	by authority of the Department of Health to access this
16:17:23 1	Q. Well, there's no question here. He just	16:19:01 11	data for legitimate purposes. In my opinion, Dr. McMahon
16:17:27 1	directed you to contact him. Did you give him any	16:19:08 12	did not violate HIPAA or organizational policy." So this
16:17:29 1	specific assignment or did you give him a specific	16:19:13 13	was the conclusion of this investigation; is that
16:17:33 1	4 directive?	16:19:17 14	correct?
16:17:33 1	A. My attorney at that time dealt with him.	16:19:17 15	A. I don't know.
16:17:36 1	Q. Okay. I have not seen any E-mails regarding	16:19:18 16	Q. Well, you filed a complaint, the university
16:17:47 1	FERPA or between Lisa and Robert Payne. Would you be	16:19:24 17	investigated it, concluded its investigation and this is
16:17:52 1	8 willing to provide those to us before the close of	16:19:28 18	what the conclusion of the report states.
16:17:55 1	discovery regarding what happened between Lisa and Robert	16:19:31 19	A. And then my attorney and I met with Phyllis
16:18:00 2	regarding any FERPA allegations or violations?	16:19:36 20	Vetter and Dean Li.
16:18:03 2	MS. LEONARD: We'll provide any	16:19:37 21	Q. Okay, but do you agree that that's what the
16:18:04 2	non-privileged communications, sure.	16:19:40 22	report states what I just read to you, the last paragraph
16:18:07 2	MS. DONOSSO: Yeah, of course.	16:19:43 23	of this report states that there was no HIPAA violation?
16:18:09 2	Ç. 0.110,, 00 11111 111 go 10 011 10 011, 11111 111	16:19:48 24	A. To the extent that the data was deidentified.
16:18:12 2	arranged interviews with yourself as well as with Dr.	16:19:53 25	I'm not sure if you're asking me to say this looks like
	2 105		7 176
16 10 56	Page 175	16 00 00 1	Page 176
	what Jerry Smith submitted on 10/02/2012.	16:22:20 1	that I had IRBs to access the data.
	Q. So according to let me ask you the	16:22:25 2	BY MS. DONOSSO:
	question again. According to the investigation conducted	16:22:33 3 16:22:37 4	Q. Okay. You also have a fourth cause of
	 by Mr. Smith in the fall of 2012, he did not find that Dr. McMahon committed any HIPAA violations? 	16:22:37 4 16:22:41 5	action, which is depravation of property interest without
16:20:17	6 A. That's what it looks like.	16:22:45 6	due process under the Utah Constitution. What is your basis for this claim?
	Q. We're going to go back to the complaint. Do	16:22:48 7	MS. LEONARD: Same objections.
	8 you still have a copy of the complaint in front of you?	16:22:49 8	THE WITNESS: You know, I'm not familiar with
	9 A. Yes.	16:22:51 9	the legal terminology on how cause three and four
16:21:01 1		16:22:58 10	differentiate, but there again, I had grant awards of
16:21:11 1	2	16:23:02 11	considerable value that I was prohibited from completing.
16:21:16 1		16:23:12 12	BY MS. DONOSSO:
16:21:18 1	•	16:23:12 13	Q. Let's turn to Page 22. Now, this cause of
16:21:23 1		16:23:18 14	action you are alleging against both the University of
16:21:26 1		16:23:21 15	Utah and Dr. McMahon, both as in his individual and
16:21:27 1	· ·	16:23:24 16	official capacities. What are your bases for this cause
16:21:30 1	•	16:23:31 17	of action?
16:21:33 1	8 You can answer.	16:23:33 18	MS. LEONARD: Same objections.
16:21:34 1	9 THE WITNESS: I had collected data prior to	16:23:37 19	THE WITNESS: You know, the comments that
16:21:40 2	*	16:23:40 20	were made about me, hurt my reputation and my integrity.
16:21:46 2	the data. I had IRBs at the Utah Department of Health,	16:23:46 21	I committed to all the data sources that the data would
16:21:54 2		16:23:49 22	not be shared with third parties and that the CDC
16:21:59 2	have been rescinded, and my access to my grant files were	16:23:54 23	policies and procedures would be followed and I wasn't
16:22:05 2	blocked and I was unable to continue on a multimillion	16:23:58 24	allowed to keep those promises.
16:22:14 2	dollar grant and/or continue my research using the data	16:24:01 25	BY MS. DONOSSO:

	Page 177			Page 178
16:24:02 1	Q. But specifically how has the university	16:25:56	1	this?
16:24:09 2	impugned your good name, reputation or integrity	16:25:56	2	A. Did what?
16:24:09 3	publicly?	16:25:57	3	Q. That Dr. McMahon plagiarized your work?
16:24:10 4	A. Well, in a public faculty meeting, they	16:26:03	4	A. My research in progress was published and
16:24:15 5	accused me of having a personality disorder because I'm	16:26:09	5	given to Bakian and Bilder and two years of my grant work
16:24:18 6	older and I can't keep up. I'm not as smart even though	16:26:15	6	was published under Bilder and McMahon's name.
16:24:25 7	I'm old.	16:26:19	7	Q. Are you referring to the article that you
16:24:25 8	Q. Are you referring to your third year review?	16:26:22	8	were not willing to finish and that they had to finish
16:24:27 9	A. That was a public meeting with faculty.	16:26:25	9	for you because you refused to finish that article?
16:24:31 10	Q. But you realize that people had to be invited	16:26:28	10	A. That was six weeks before I left and staff
16:24:34 11	to that meeting, it was not a public faculty meeting?	16:26:30	11	had been told they couldn't talk to me. I'd been locked
16:24:37 12	A. I had faculty come to me saying how	16:26:36	12	out of my office, the data was wrong and I'd been told I
16:24:39 13	embarrassed they were about the comments that were made	16:26:40	13	couldn't work on it.
16:24:42 14	about me.	16:26:41	14	Q. They sent you E-mails asking you to, please,
16:24:42 15	Q. What faculty?	16:26:44	15	finish that article and, please, finish working on those
16:24:43 16	A. Janet Lainhart. Deb Bilder was telling the	16:26:45	16	grants.
16:25:00 17	CDC I wouldn't work with them, when, in fact, McMahon had	16:26:45	17	A. But I didn't have the tools necessary to do
16:25:04 18	told them I couldn't work on the grant. He called the	16:26:47	18	that because the data had been locked from my access.
16:25:08 19	police on me. He accused me falsely with unsubstantiated	16:26:51	19	Q. Do you not recall getting E-mails from Dr.
16:25:16 20	claims with the police. This data that was published,	16:26:56	20	Bilder asking you to, please, collaborate with her on
16:25:23 21	the work I did was published under somebody else's name	16:26:59	21	finishing those grants and helping her finish the work on
16:25:28 22	and it's wrong. There are errors in it. Research that I	16:27:02	22	those grants and on that article?
16:25:34 23	had done was published under other people's names and	16:27:02	23	A. My directive from McMahon was that I couldn't
16:25:38 24	plagiarized.	16:27:05	24	work on those grants and I didn't have the authority to
16:25:52 25	Q. And you have evidence that Dr. McMahon did	16:27:08	25	work on those grants and I knew the errors hadn't been
	Page 179			
16.07.11 1	-	16:28:57	1	_
16:27:11 1 16:27:16 2	corrected and I knew when they took the data that they didn't have any authorization from the data sources to	16:28:58	1 2	MS. LEONARD: Was there something else you wanted to say?
16:27:19 3	have the data.	16:29:00	3	THE WITNESS: I don't know.
16:27:24 4	Q. Okay. How has the university foreclosed	16:29:02	4	MS. LEONARD: She cut you off.
16:27:31 5	employment opportunities?	16:29:03	5	THE WITNESS: Could you repeat the question?
16:27:32 6	A. Well, my hope was to be able the leave the	16:29:03	6	BY MS. DONOSSO:
16:27:37 7	psychiatry department and continue the grant in a	16:29:07	7	Q. Did you give him reasons to cut off your
16:27:39 8	different department and it foreclosed that opportunity.	16:29:10	8	access to the data?
16:27:45 9	People were told that if they saw me near the building, I	16:29:12	9	A. He cut off access to so all the files for
16:27:48 10	was to be reported. Bilder told people I had a	16:29:19		my research were on a partition server and they were
16:27:53 11	personality disorder.	16:29:23		labeled different things by me and my staff, not related
16:28:01 12	Q. And what has Dr. McMahon done to foreclose	16:29:29		to the content of those files, and so he blocked access
16:28:05 13	employment opportunities?	16:29:39		to a file named URADD, which did not necessarily mean
16:28:06 14	A. To do research, you billed on your past	16:29:51		he had not collected the data. It was all data collected
16:28:10 15	research, so McMahon took away all of my research in	16:29:55		for my grants and research and he blocked access to that
16:28:15 16	progress and the data I had collected over a 10-year	16:29:59		file, which was necessary to continue with the grant,
16:28:18 17	period, so it's it's very difficult to start all over	16:30:04		correcting the grant errors.
16:28:25 18	again when you have worked for 10 years to collect data	16:30:05		Q. That wasn't my question. Did you give him
16:28:29 19	and start research that you can't finish.	16:30:07	19	reasons, especially during your last six months at the
16:28:32 20	Q. Did he do that simply by not renewing your	16:30:10	20	university, to remove you from URADD and the CDC grants?
16:28:36 21	contract?	16:30:15	21	A. I think the reason that he had was he I
16:28:36 22	A. He did that by blocking my access to the data	16:30:20	22	had reported him.
16:28:43 23	before my contract was through. He did that by	16:30:21	23	Q. So you weren't you did not instruct your
16:28:53 24	Q. Why did he have to block your access to the	16:30:25	24	abstractors to start making photocopies of information
16:28:55 25	data?	16:30:31	25	and clinical reports

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 47 of 57

	Page 181		Page 182
16:30:31 1	A. When?	16:32:21 1	able to change the locks and there were there was a
16:30:31 1	Q at the department of health?	16:32:21 1	master key that anyone that could come in the office had
16:30:38 3	A. After?	16:32:29 3	and the codes for the safe were known, I took that hard
16:30:39 4	Q. No, like in January and February of 2012.	16:32:42 4	drive home as required by the CDC and I returned it the
16:30:44 5	A. No.	16:32:47 5	day I was removed as the CDC PI and I dropped it off at
16:30:45 6	Q. No.	16:32:53 6	the Office of Public Safety because I'd been locked out
16:30:47 7	A. Not that I recall. I mean, I don't know	16:32:57 7	of my office.
16:30:49 8	what we were scanning in documents that went into	16:33:06 8	Q. Did your attorney did you discuss that
16:30:56 9	but, no, I don't recall. If they were, it was grant	16:33:08 9	with your attorney?
16:31:04 10	files. I am aware that Janet Lainhart had her staff	16:33:12 10	MS. LEONARD: Anything you and I have talked
16:31:10 11	copying records because they were concerned that they	16:33:14 11	about is confidential.
16:31:16 12	also would have their access blocked by McMahon.	16:33:20 12	THE WITNESS: My attorney communicated
16:31:25 13	Q. And you don't recall packing up clinicians	16:33:23 13	information to Scott Smith.
16:31:30 14	notes, 20 boxes of clinicians notes and making a	16:33:23 14	BY MS. DONOSSO:
16:31:33 15	photocopy of the hard drive and taking it home with you?	16:33:32 15	Q. Did you tell anybody that you had removed a
16:31:36 16	A. So in November, I did take I was asked to	16:33:35 16	hard drive containing protected information of minors, of
16:31:39 17	remove the boxes from the university because he did not	16:33:44 17	over 160,000 minors, that you were storing at your house
16:31:46 18	want to store them there. As we were finished with them,	16:33:49 18	for several months?
16:31:50 19	I rented a storage space and put them there in November	16:33:51 19	A. They weren't stored at my house for several
16:31:55 20	of first part of November and they were all grant	16:33:51 20	months. It was only several weeks.
16:31:59 21	related files that were deidentified.	16:33:54 21	Q. What would have happened if one of your staff
16:32:01 22	Q. What about the hard drive, Judy?	16:33:57 22	members had taken a hard drive with that kind of
16:32:04 23	A. The hard drive, we were required to have a	16:34:00 23	information to their house for several weeks?
16:32:08 24	backup copy of the CDC files off-site on an encrypted	16:34:02 24	A. First of all, they didn't have a safe and
16:32:14 25	hard drive. When my office was ransacked and we weren't	16:34:07 25	they weren't required to have a backup copy of their
	·		1 17
	Page 183		Page 184
16:34:10 1	records off-site, which I was required by the CDC.	16:36:07 1	standards.
16:34:13 2	Q. So then why didn't you do that from 2008 to	16:36:07 2	Q. So who gave you authority in writing to be
16:34:17 3	2013, Judy?	16:36:11 3	able to store this information off-site?
16:34:18 4	A. Because we were because we didn't have a	16:36:14 4	A. In the CDC policy, we're required to do that.
16:34:21 5	hard drive that was capable of being encrypted and we had	16:36:18 5	Q. Okay, so show me anywhere in this contract
16:34:25 6	it back ordered from the we tried to get one through	16:36:21 6	where it says that you're required to store that
16:34:29 7	the bookstore for months and it was on back order. So	16:36:24 7	off-site, because actually I just read it and it says the
16:34:35 8	what we had learned from our previous privacy	16:36:30 8	
1 6 0 4 4 0 0		1 10.30.30 0	opposite, Judy.
16:34:40 9	investigation was that if had we been able to prove a	16:37:36 9	opposite, Judy. A. Backup files will be stored in a secured
16:34:40 9 16:34:45 10	certain encryption level and somebody had stolen it, all		
16:34:45 10 16:34:50 11	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be	16:37:36 9 16:37:41 10 16:37:43 11	A. Backup files will be stored in a secured off-site facility.Q. But these were not backup files.
16:34:45 10 16:34:50 11 16:34:59 12	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when	16:37:36 9 16:37:41 10	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it	16:37:36 9 16:37:41 10 16:37:43 11	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files.
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:48 14	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything.
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:48 14 16:37:50 15	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files.
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department.	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:48 14 16:37:50 15 16:37:54 16	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18	 A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university?
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:33 18 16:35:38 19 16:35:43 20	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it?	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was
16:34:45 10 16:34:50 11 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19 16:35:43 20 16:35:46 21	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it? A. The problem with that flash drive was it was	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20 16:38:09 21	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was the PI on.
16:34:45 10 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19 16:35:43 20 16:35:46 21 16:35:49 22	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it? A. The problem with that flash drive was it was supposed to be returned to the office and that flash	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20 16:38:09 21 16:38:09 22	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was the PI on. Q. And that Bill McMahon was also the PI on.
16:34:45 10 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19 16:35:43 20 16:35:46 21 16:35:49 22 16:35:53 23	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it? A. The problem with that flash drive was it was supposed to be returned to the office and that flash drive had data on it, which it shouldn't have had data on	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20 16:38:09 21 16:38:09 22 16:38:13 23	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was the PI on. Q. And that Bill McMahon was also the PI on. A. He was not.
16:34:45 10 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19 16:35:43 20 16:35:46 21 16:35:49 22 16:35:53 23 16:35:57 24	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it? A. The problem with that flash drive was it was supposed to be returned to the office and that flash drive had data on it, which it shouldn't have had data on it, and the health department couldn't prove that the	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:48 14 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20 16:38:09 21 16:38:09 22 16:38:13 23 16:38:14 24	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was the PI on. Q. And that Bill McMahon was also the PI on. A. He was not. Q. Both of you were listed on these grant
16:34:45 10 16:34:59 12 16:35:05 13 16:35:09 14 16:35:17 15 16:35:24 16 16:35:27 17 16:35:33 18 16:35:38 19 16:35:43 20 16:35:46 21 16:35:49 22 16:35:53 23	certain encryption level and somebody had stolen it, all those files would not be accessible to anyone and it'd be the end of the story, but because we couldn't prove when the thumb drive was stolen, that it met the standards, it went through a rigorous review and we were in the process of transferring our files to a different server and I thought I was being moved to a different department. Q. So why when some of your staff members, as much as lost a flash drive with information in it, why were they written up and eventually fired just for losing a flash drive or a laptop with information in it? A. The problem with that flash drive was it was supposed to be returned to the office and that flash drive had data on it, which it shouldn't have had data on	16:37:36 9 16:37:41 10 16:37:43 11 16:37:44 12 16:37:47 13 16:37:50 15 16:37:54 16 16:37:57 17 16:38:00 18 16:38:04 19 16:38:05 20 16:38:09 21 16:38:09 22 16:38:13 23	A. Backup files will be stored in a secured off-site facility. Q. But these were not backup files. A. They were backup files of all my grant files and research files. Q. You took everything. A. Everything was my research and grant files. Q. How could everything belong to you when it had been gathered in collaboration for over ten for like almost eight years by all of these abstractors working for the university? A. They were backup files for grants that I was the PI on. Q. And that Bill McMahon was also the PI on. A. He was not.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 48 of 57

		Page 185		Page 186
16.20.22	1		16.30.41 1	
16:38:22	1	you have evidence that everything that was like all	16:39:41 1	, , ,
16:38:25	2	this information data that had been gathered by the	16:39:45 2	
16:38:29	3	school districts throughout the Wasatch Front, throughout	16:39:47 3	
16:38:32	4	the entire state for years, from before you even came to	16:39:51 4	j j
16:38:36	5	the University of Utah, all belonged to you?	16:39:55 5	
16:38:39	6	A. I'm not saying they belonged to me. They	16:39:59 6	
16:38:42	7	were a backup file, and when I was taken off the grant, I	16:40:05 7	
16:38:46	8	returned it to the Office of Public Safety because I	16:40:12 8	
16:38:49	9	didn't know who owned the data.	16:40:14 9	
16:38:50	10	Q. So, okay, so you're saying you didn't even	16:40:18 10	Ç , ,
16:38:52		know who owned the data and you decided to just take it	16:40:21 11	
16:38:55	12	home with you for three weeks?	16:40:24 12	· · · · · · · · · · · · · · · · · · ·
16:38:57		A. I'm saying I had the backup file in case we	16:40:26 13	, , ,
16:39:01	14	needed it, so, for example, at the health department	16:40:28 14	,
16:39:05		Q. You didn't answer my question. You just said	16:40:30 15	, , ,
16:39:07		you didn't even know who it belonged to, and so since you	16:40:33 16	,
16:39:10		didn't know who it belonged to, you decided to take it	16:40:40 17	, , , , , , , , , , , , , , , , , , , ,
16:39:15		home for three weeks?	16:40:44 18	3 6 3
		A. I took my grant files that I had collected,	16:40:46 19	, , , , , , , , , , , , , , , , , , , ,
16:39:20		that were highly encrypted to protect them because of	16:40:49 20	
16:39:24	21	security issues in the office and I returned them.	16:40:55 21	,
16:39:29		Q. What security issues? Everybody had just	16:40:59 22	
16:39:33		given you reports saying that there was no issue, that	16:41:05 23	
16:39:35		this is not an IRB issue, this is not a security issue.	16:41:07 24	1 , ,
16:39:39	25	You had just started to get all kinds by February when	16:41:10 25	any time notify me that they had rescinded my authority
		Page 187		Page 188
16:41:15	1	to do grant activities.	16:42:54 1	
16:41:20	2	Q. So this is your basis for believing that		liberty interest but this is under the Utah Constitution.
16:41:22	3	you this is your intellectual property?		What is your basis for this claim?
16:41:25	4	A. All I'm saying is	16:43:20	
16:41:28	5	Q. So is it Rex Olsen's E-mail or is it this	16:43:21 5	
16:41:32	6	letter that you received from the vital records?		calls for a legal conclusion and document speaks for
16:41:33	7	MR. ROBINSON: I think she actually testified		itself.
16:41:35	8	a moment ago that it belonged to the Department of	16:43:26	
16:41:38	9	Health.	16:43:27	
16:41:38	10	THE WITNESS: So I found it interesting in	16:43:33 10	
16:41:42		McMahon's testimony he said it belonged the data	16:43:36 11	
16:41:45		belonged to the health department. In Bilder's	16:43:45 12	•
16:41:45		testimony, she stated that the data belonged to the	16:43:45 12	
16:41:47	14	university. I would say I don't know who owns the data,	16:43:54 14	
16:41:57		so I returned it.	16:43:56 15	•
		MR. ROBINSON: Well, you said just a moment	16:43:58 16	
16:42:01		ago that the Department of Health owns it, so you don't	16:43:59 17	·
16:42:01		own it?	16:43:39 1	
16:42:03	19	THE WITNESS: I don't believe I own it.	16:44:10 19	
16:42:04		MR. ROBINSON: Very good. Thank you.	16:44:10 13	_
		THE WITNESS: And I returned it the day I was	16:44:13 20	
	<u> </u>	informed I was no longer on the grant and I established a	16:44:19 22	
16:42:08	22	miorineu i was no ionger on the grant and i established a	10.77.19 44	2. So you believed that filling all of the
16:42:11			16.44.22 23	yarious complaints that was you believed that was
16:42:11 16:42:18	23	proper chain of custody so I wouldn't be accused of	16:44:22 23	1
16:42:11 16:42:18 16:42:22	23 24	proper chain of custody so I wouldn't be accused of anything later.	16:44:27 24	protected speech?
16:42:11 16:42:18	23 24	proper chain of custody so I wouldn't be accused of		protected speech?

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 49 of 57

	Page 189		Page 190
16:44:31 1	legal conclusion.	16:45:57 1	MS. LEONARD: Objection in that it calls for
16:44:33 2	-	16:45:58 2	a legal conclusion.
16:44:37 3	THE WITNESS: I don't know the legal	16:45:59 3	THE WITNESS: Because I had no problems with
16:44:39 4	ramifications of this.	16:46:02 4	performance until I brought these concerns to the
16:44:39 5		16:46:05 5	attention of the university.
16:44:42 6		16:46:06 6	BY MS. DONOSSO:
16:44:44 7	•	16:46:18 7	Q. Let's move onto your next cause of action,
16:44:48 8		16:46:21 8	which is on Page 25, and it's your depravation of first
16:44:52		16:46:28 9	amendment rights under the Utah Constitution. It's very
16:44:57 10	people?	16:46:34 10	similar to your seventh cause of action. Would you
16:44:57 11	A. No one. I did report to Utah State Office of	16:46:36 11	change your testimony at all or is this the same thing?
16:45:06 12	Education and Eric Fombonne that the data that I was	16:46:39 12	A. On No. 8?
16:45:16 13	retracting an article and why and I notified the journal.	16:46:40 13	Q. Uh-huh. It's also related to protected
16:45:21 14	Q. Who is the journal?	16:46:45 14	speech.
16:45:23 15	A. Journal of Autism and Developmental	16:46:45 15	A. Just the economic impact has been huge.
16:45:26 16	Disabilities.	16:46:55 16	Q. But other than making the complaint we've
16:45:27 17	Q. Okay.	16:46:59 17	talked about to Botkin, the OEO, privacy, the IRB, was
16:45:27 18	A. I notified the journal where my grant data	16:47:02 18	there any other speech that has not been mentioned during
16:45:33 19	was published under McMahon's and Bilder's name that	16:47:07 19	your deposition that you consider to be protected?
16:45:38 20	there were errors in it and that they didn't do the work.	16:47:12 20	A. I think the fact that I reported data errors,
16:45:41 21	Q. Okay. Assuming all of these various	16:47:18 21	research misconduct is significant.
16:45:46 22	complaints that you filed with the university were	16:47:21 22	Q. Who did you report those to?
16:45:48 23	protected speech, how do you believe that this was a	16:47:24 23	A. I reported it to Dean Li, Dr. Parks and
16:45:52 24	motivating factor of the university's decision not to	16:47:27 24	President Pershing and I reported it to the CDC.
16:45:55 25	renew your contract?	16:47:36 25	Q. When did you report those to the CDC?
10.13.33	renew your contract:	10.17.30 23	Q. When the you report those to the ebe:
	Page 191		Page 192
16:47:43 1	-	16:49:50 1	Page 192 standards were different for me because I was older, and
16:47:43 1 16:48:01 2	_	16:49:50 1 16:49:57 2	-
	A. Right before I was taken off the grant.Q. Who did you report those to the CDC?		standards were different for me because I was older, and
16:48:01 2	A. Right before I was taken off the grant.Q. Who did you report those to the CDC?A. John Baio, Anita Washington, there was	16:49:57 2	standards were different for me because I was older, and I was required to give my research ideas and funding to
16:48:01 2 16:48:04 3	 A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if 	16:49:57 2 16:50:03 3	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in
16:48:01 2 16:48:04 3 16:48:11 4	 A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. 	16:49:57 2 16:50:03 3 16:50:09 4	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5	 A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did 	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO:
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6	 A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did 	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5 16:50:22 6	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail?	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5 16:50:22 6 16:50:26 7	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call.	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5 16:50:22 6 16:50:26 7 16:50:30 8	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim?	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim?	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations?	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15 16:49:04 16	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15 16:51:01 16	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15 16:49:04 16 16:49:11 17	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No.
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15 16:49:04 16 16:49:16 18	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned. Q. Okay. Then Page 27, this is your ADEA cause	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15 16:49:04 16 16:49:11 17 16:49:16 18 16:49:20 19	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned.	16:49:57 2 16:50:03 3 16:50:09 4 16:50:09 5 16:50:22 6 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18 16:51:18 19	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not? THE WITNESS: The outline of expectations?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:48:53 13 16:48:54 14 16:49:02 15 16:49:01 16 16:49:11 17 16:49:16 18 16:49:20 19 16:49:22 20	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned. Q. Okay. Then Page 27, this is your ADEA cause of action. This is your age cause of action. What is	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:44 13 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18 16:51:18 19 16:51:21 20	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not? THE WITNESS: The outline of expectations? MR. ROBINSON: Are you saying, no, it does
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:49:02 15 16:49:04 16 16:49:16 18 16:49:16 18 16:49:20 19 16:49:22 20 16:49:34 21	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned. Q. Okay. Then Page 27, this is your ADEA cause of action. This is your age cause of action. What is	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18 16:51:18 19 16:51:21 20 16:51:23 21	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not? THE WITNESS: The outline of expectations? MR. ROBINSON: Are you saying, no, it does not mention age?
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:49 12 16:49:02 15 16:49:04 16 16:49:11 17 16:49:16 18 16:49:20 19 16:49:22 20 16:49:34 21 16:49:37 22	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned. Q. Okay. Then Page 27, this is your ADEA cause of action. This is your age cause of action. What is the basis of this claim? MS. LEONARD: Objection in that it calls for a legal conclusion and the document speaks for itself.	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18 16:51:18 19 16:51:21 20 16:51:23 21 16:51:25 22	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not? THE WITNESS: The outline of expectations? MR. ROBINSON: Are you saying, no, it does not mention age? THE WITNESS: I don't see that. MR. ROBINSON: Okay. BY MS. DONOSSO:
16:48:01 2 16:48:04 3 16:48:11 4 16:48:19 5 16:48:21 6 16:48:25 7 16:48:26 8 16:48:27 9 16:48:39 10 16:48:47 11 16:48:53 13 16:48:54 14 16:49:02 15 16:49:04 16 16:49:11 17 16:49:16 18 16:49:20 19 16:49:22 20 16:49:34 21 16:49:37 22 16:49:40 23	A. Right before I was taken off the grant. Q. Who did you report those to the CDC? A. John Baio, Anita Washington, there was another epidemiologist and I can't remember for sure if Marshall and Urgan Alsop was on call as well. Q. So you made this during a phone call or did you do this in writing via E-mail? A. Phone call. Q. Okay. Let's turn to Page 26 of your complaint. This is your ADA claim. What is your basis of your ADA claim? A. I don't have anything to add other than what we've already talked about. Q. So you never, other than what we've talked about as far as getting out of that meeting, you actually never asked for any other accommodations? A. I asked that my chair be returned after they put me in a different office because it was a special chair, which they returned. Q. Okay. Then Page 27, this is your ADEA cause of action. This is your age cause of action. What is the basis of this claim? MS. LEONARD: Objection in that it calls for	16:49:57 2 16:50:03 3 16:50:09 4 16:50:22 6 16:50:26 7 16:50:30 8 16:50:32 9 16:50:36 10 16:50:41 11 16:50:44 12 16:50:52 14 16:50:57 15 16:51:01 16 16:51:05 17 16:51:16 18 16:51:18 19 16:51:21 20 16:51:23 21 16:51:25 22	standards were different for me because I was older, and I was required to give my research ideas and funding to support younger female faculty and he gave my research in progress to younger females. BY MS. DONOSSO: Q. But your non-renewal letter does not mention age anywhere; is that correct? A. I don't believe so. Q. Okay. A. He told me he could get Amanda on the cheap. Q. Okay, and when do you allege that that happened? A. I say that happened around the spring of 2012. Q. And your outline of expectations also does not mention age anywhere? A. No. MR. ROBINSON: No, it does not? THE WITNESS: The outline of expectations? MR. ROBINSON: Are you saying, no, it does not mention age? THE WITNESS: I don't see that. MR. ROBINSON: Okay.

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 50 of 57

	Page 193		Page 194
16:51:31 1	that's where we have your eleventh cause of action, which	16:52:59 1	schedule but I was half time anyway, so it was not
16:51:36 2	is discrimination based on religion. What's the basis of	16:53:03 2	MR. ROBINSON: But they did allow you to
16:51:40 3	this claim?	16:53:05 3	adjust your schedule?
16:51:41 4	MS. LEONARD: Same objections as previous.	16:53:25 4	THE WITNESS: They did.
16:51:43 5	THE WITNESS: That in private meetings he	16:53:25 5	(Whereupon Exhibit 97 was marked for identification.)
16:51:50 6	ridiculed me for wanting to become a chaplain. In a	16:53:25 6	BY MS. DONOSSO:
16:51:57 7	public faculty meeting, he brought up activities that I	16:53:48 7	Q. Do you recognize this document?
16:52:01 8	did not job related.	16:53:50 8	A. Totally forgot about this. I do recall them
16:52:06 9	BY MS. DONOSSO:	16:53:58 9	approaching me about being a backup responder to provide
16:52:06 10	Q. What kind of activities?	16:54:06 10	volunteered chaplain services. I talked to Bill about it
16:52:07 11	A. My pursuing to become a chaplain.	16:54:12 11	and I felt like if I was going to work as a chaplain at
16:52:15 12	Q. But you did previously testify that during	16:54:16 12	the university, I should be paid, and I wanted Bill to
16:52:19 13	that summer when you wanted to pursue, wanted to work	16:54:27 13	know that I had been asked to do that.
16:52:26 14	part time at St. Mark's and South Jordan, West Jordan, I	16:54:31 14	Q. Was he supportive of you doing volunteered
16:52:32 15	can't remember, the university did not have a problem	16:54:34 15	work as a chaplain?
16:52:34 16	with you having that flexible schedule to do that; is	16:54:36 16	A. No.
16:52:40 17	that correct?	16:54:36 17	Q. Why would he care either way?
16:52:41 18	A. No.	16:54:38 18	MS. LEONARD: Objection. Speculation.
16:52:46 19	MR. ROBINSON: You're saying it was not	16:54:40 19	THE WITNESS: I don't know.
16:52:49 20	correct?	16:54:40 20	BY MS. DONOSSO:
16:52:49 21 16:52:52 22	THE WITNESS: I was ridiculed for wanting to	16:54:41 21	Q. Okay, so in this E-mail, all it states is
16:52:52 22 16:52:52 23	do that.	16:54:47 22 16:54:50 23	that you said that you were grateful that they were
16:52:52 23	MR. ROBINSON: But they allowed you to adjust your schedule to do that?	16:54:56 24	considering you but that philosophically and morally you just thought that you should get paid for it?
16:52:55 25	THE WITNESS: They allowed me to adjust my	16:54:58 25	A. Right.
10.32.33 23	THE WITNESS. They allowed life to adjust my	10.34.30 23	A. Ngiit.
	Page 195		Page 196
16:54:58 1	Q. And it doesn't really mention that you	16:56:29 1	Q. So I guess I have to ask: Why were you
16:55:03 2	consulted Bill about it. You just forwarded it to him	16:56:39 2	morally opposed to doing chaplain work on a volunteered
16:55:05 3	and said I thought I'd just let you know that I was asked	16:56:44 3	basis?
16:55:08 4	for this request?		
		16:56:44 4	A. Because I believe that chaplain is a trained
16:55:09 5	A. We talked about it afterwards.	16:56:48 5	position. It requires an extensive amount of education
16:55:12 6	Q. Okay, so why would you document the fact that	16:56:48 5 16:56:52 6	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do
16:55:12 6 16:55:22 7	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a	16:56:48 5 16:56:52 6 16:56:57 7	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very
16:55:12 6 16:55:22 7 16:55:27 8	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find?
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that?	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it?	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah.	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it.
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I?	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case.	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work?
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15 16:57:52 16	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16 16:55:58 17	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15 16:57:52 16 16:57:56 17	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16 16:55:58 17 16:56:01 18	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to Q. That wasn't going on in 2009.	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15 16:57:52 16 16:57:56 17 16:57:57 18	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free.
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16 16:55:58 17 16:56:01 18 16:56:02 19	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15 16:57:52 16 16:57:56 17 16:57:57 18 16:58:01 19	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to you?
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16 16:55:51 16 16:55:52 17 16:56:01 18 16:56:02 19 16:56:05 20	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to Q. That wasn't going on in 2009. A. Discrimination was going on since I started.	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:43 14 16:57:47 15 16:57:52 16 16:57:52 16 16:57:57 18 16:57:57 18 16:58:01 19 16:58:01 20	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to you? A. It was offensive. They were paying other
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:43 13 16:55:47 14 16:55:51 15 16:55:51 16 16:55:58 17 16:56:01 18 16:56:02 19 16:56:05 20 16:56:10 21	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to Q. That wasn't going on in 2009. A. Discrimination was going on since I started. Q. Then why did you wait until 2012 to contact	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:47 15 16:57:52 16 16:57:52 16 16:57:57 18 16:57:57 18 16:58:01 19 16:58:01 20 16:58:05 21	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to you? A. It was offensive. They were paying other people to do chaplaincy work at the university.
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:47 14 16:55:51 15 16:55:51 15 16:55:51 16 16:55:58 17 16:56:01 18 16:56:02 19 16:56:05 20 16:56:10 21 16:56:13 22	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to Q. That wasn't going on in 2009. A. Discrimination was going on since I started. Q. Then why did you wait until 2012 to contact the OEO about it?	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:47 15 16:57:52 16 16:57:52 16 16:57:57 18 16:57:57 18 16:58:01 20 16:58:05 21 16:58:06 22	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to you? A. It was offensive. They were paying other people to do chaplaincy work at the university. Q. Here the E-mail makes it very clear that they
16:55:12 6 16:55:22 7 16:55:27 8 16:55:33 9 16:55:36 10 16:55:37 11 16:55:38 12 16:55:47 14 16:55:51 15 16:55:51 15 16:55:51 16 16:55:58 17 16:56:01 18 16:56:02 19 16:56:05 20 16:56:10 21 16:56:13 22 16:56:15 23	Q. Okay, so why would you document the fact that it would make you feel uncomfortable to do this on a volunteered situation but not document the fact that Bill would not be supportive of that? A. Why didn't I document it? Q. Yeah. A. Why would I? Q. You seem to be very good at documenting a lot of stuff. That's why we have so many documents in this case. A. You know, my goal was to get away from that situation. I changed mentors. I tried to leave the department. I tried to Q. That wasn't going on in 2009. A. Discrimination was going on since I started. Q. Then why did you wait until 2012 to contact the OEO about it? A. Because I was trying to do a work around and	16:56:48 5 16:56:52 6 16:56:57 7 16:57:02 8 16:57:09 9 16:57:15 10 16:57:20 11 16:57:36 12 16:57:39 13 16:57:47 15 16:57:52 16 16:57:56 17 16:57:57 18 16:58:01 19 16:58:01 20 16:58:05 21 16:58:06 22 16:58:09 23	position. It requires an extensive amount of education and skill level, and to expect people to volunteer to do that, seems very unprofessional. It seems very unprofessional and what's the word I'm trying to find? I think it undermines the profession to expect someone who is providing that kind of service to not pay them to do it. Q. You realize in that E-mail there is absolutely no inference that the university was in any way, shape or form discriminating against you because you wanted to do chaplain work; on the contrary, they were inviting you to do work? A. For free. Q. And was that offensive or discriminatory to you? A. It was offensive. They were paying other people to do chaplaincy work at the university. Q. Here the E-mail makes it very clear that they don't have the budget to do it. It says: "I keep trying

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 51 of 57

		Page 197			Page 198
16:58:34	1	however, she gives me the old line there's no money. Use	16:59:42	1	THE WITNESS: I don't know. I don't know.
16:58:40	2	volunteers." Where does it say that there are people	16:59:43	2	BY MS. DONOSSO:
16:58:43	3	getting paid and you were the only one not getting paid?	16:59:44	3	Q. Okay. Let's turn to your last cause of
16:58:44	4	A. Because other people doing chaplaincy work at	16:59:58	4	action on Page 30, wrongful termination. So what is the
16:58:45	5	the university are getting paid.	17:00:03	5	basis of this claim?
16:58:51	6	Q. Like in other departments and maybe just not	17:00:06	6	MS. LEONARD: Objection. It calls for a
16:58:54	7	this one?	17:00:08	7	legal conclusion and document speaks for itself.
16:58:55	8	A. The chaplaincy program, Susan Roberts was	17:00:19	8	THE WITNESS: I believe that I was reporting
16:59:00	9	getting paid, Linda Brewers was getting paid, there are	17:00:27	9	legitimate concerns about privacy and research
16:59:05	10	some other chaplains that are getting paid.	17:00:32	10	misconduct, plagiarism, and that that was why I was
16:59:08	11	Q. And this was going on back in 2009 or as of	17:00:38	11	terminated.
16:59:13	12	recent?	17:00:38	12	BY MS. DONOSSO:
16:59:13	13	A. I don't recently know what's going on. I see	17:00:41	13	Q. Now, on Paragraph 151, I want to draw your
16:59:15	14	positions opened for chaplains at the U, paid positions.	17:00:44	14	attention to that, you specifically alleged that you were
16:59:19	15	Q. But you don't know what was going on back in	17:00:47	15	exercising your legal right by reporting the university's
16:59:22	16	2009?	17:00:50	16	illegal activity to public authorities?
16:59:22	17	A. They were being paid.	17:00:53	17	A. Yes.
16:59:24	18	Q. But at this time, she was just asking you to	17:00:53	18	Q. What do you mean by that?
16:59:29	19	volunteer.	17:00:59	19	MS. LEONARD: Objection. Document speaks for
16:59:29	20	A. Right.	17:01:01	20	itself and that Judy didn't draft the document.
16:59:30	21	Q. Maybe just as a startup position. You don't	17:01:01	21	BY MS. DONOSSO:
16:59:32	22	know that?	17:01:05	22	Q. What public authorities were you reporting
16:59:32	23	A. No, it was just a volunteer.	17:01:09	23	illegal activities to?
16:59:37	24	MR. ROBINSON: Were there others who were	17:01:11	24	A. The U.S. Department of Education and the
16:59:40	25	volunteering their services?	17:01:14	25	Utah and the HHS, U.S. Health and Human Services.
		Page 199			Page 200
17:01:22	1	Page 199 Q. Okay. What did your report to them?	17:02:44	1	Page 200 we move on. I had previously shown you your complaint
17:01:22 17:01:25	1 2	Q. Okay. What did your report to them? A. Same concerns I reported to the university's	17:02:44 17:02:51	1 2	
		Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office.			we move on. I had previously shown you your complaint form to the OEO A. Yes.
17:01:25	2	Q. Okay. What did your report to them? A. Same concerns I reported to the university's	17:02:51	2	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not
17:01:25 17:01:29	2	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office.	17:02:51 17:02:55	2	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we
17:01:25 17:01:29 17:01:30	2 3 4	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012.	17:02:51 17:02:55 17:02:56	2 3 4	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39	2 3 4 5 6 7	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17	2 3 4 5 6 7	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.)
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41	2 3 4 5 6 7 8	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter?	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:17	2 3 4 5 6 7 8	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO:
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45	2 3 4 5 6 7 8	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:17	2 3 4 5 6 7 8	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document?
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45 17:01:50	2 3 4 5 6 7 8 9	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19	2 3 4 5 6 7 8 9	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45 17:01:50 17:01:54	2 3 4 5 6 7 8 9 10	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two.	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20	2 3 4 5 6 7 8 9 10	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45 17:01:50 17:01:54	2 3 4 5 6 7 8 9 10 11	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22	2 3 4 5 6 7 8 9 10 11	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45 17:01:50 17:01:54 17:01:57	2 3 4 5 6 7 8 9 10 11 12 13	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter?	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23	2 3 4 5 6 7 8 9 10 11 12 13	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:45 17:01:50 17:01:57 17:02:01 17:02:01	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23 17:03:28	2 3 4 5 6 7 8 9 10 11 12 13 14	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:57 17:02:01 17:02:01 17:02:05	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall.	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:23 17:03:23 17:03:28 17:03:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:57 17:02:01 17:02:01 17:02:05 17:02:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay.	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:23 17:03:23 17:03:28 17:03:33 17:03:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:54 17:02:01 17:02:01 17:02:01 17:02:05 17:02:05 17:02:10	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:20 17:03:22 17:03:23 17:03:33 17:03:33 17:03:33	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:54 17:02:01 17:02:01 17:02:05 17:02:05 17:02:10 17:02:11	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter.	17:02:51 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:20 17:03:22 17:03:23 17:03:33 17:03:38 17:03:38 17:03:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:57 17:02:01 17:02:05 17:02:05 17:02:10 17:02:13 17:02:17	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you	17:02:51 17:02:55 17:02:59 17:03:03 17:03:17 17:03:18 17:03:20 17:03:22 17:03:23 17:03:33 17:03:37 17:03:38 17:03:38 17:03:50	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:54 17:02:01 17:02:01 17:02:05 17:02:10 17:02:11 17:02:11 17:02:17 17:02:20	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general	17:02:51 17:02:55 17:02:59 17:03:03 17:03:17 17:03:18 17:03:20 17:03:22 17:03:23 17:03:33 17:03:38 17:03:38 17:03:35 17:03:35 17:03:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:54 17:02:01 17:02:01 17:02:05 17:02:10 17:02:11 17:02:11 17:02:11 17:02:11 17:02:12 17:02:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general privacy and security concerns?	17:02:51 17:02:55 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23 17:03:33 17:03:38 17:03:38 17:03:35 17:03:55 17:03:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed A. Yes.
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:41 17:01:45 17:01:50 17:01:57 17:02:01 17:02:05 17:02:05 17:02:10 17:02:17 17:02:17 17:02:20 17:02:24 17:02:25	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general privacy and security concerns? A. No, it was at our meeting on December 10th	17:02:51 17:02:55 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:23 17:03:28 17:03:33 17:03:37 17:03:38 17:03:55 17:03:55 17:03:55	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed A. Yes. Q in December of 2012, and I'll go to the
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:50 17:01:54 17:01:57 17:02:01 17:02:01 17:02:05 17:02:10 17:02:17 17:02:17 17:02:20 17:02:24 17:02:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general privacy and security concerns? A. No, it was at our meeting on December 10th when they told me they didn't know where the data was. I	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23 17:03:33 17:03:37 17:03:38 17:03:35 17:03:55 17:03:55 17:03:57 17:04:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed A. Yes. Q in December of 2012, and I'll go to the last page, because it is lengthy, but the point of this
17:01:25 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:50 17:01:54 17:01:57 17:02:01 17:02:01 17:02:05 17:02:10 17:02:17 17:02:20 17:02:24 17:02:29 17:02:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general privacy and security concerns? A. No, it was at our meeting on December 10th when they told me they didn't know where the data was. I told them I was going to have to report it.	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23 17:03:33 17:03:37 17:03:38 17:03:35 17:03:55 17:03:56 17:03:57 17:04:08 17:04:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed A. Yes. Q in December of 2012, and I'll go to the last page, because it is lengthy, but the point of this is that after their lengthy investigation of your
17:01:25 17:01:29 17:01:30 17:01:33 17:01:34 17:01:39 17:01:41 17:01:50 17:01:54 17:01:57 17:02:01 17:02:01 17:02:05 17:02:10 17:02:17 17:02:17 17:02:20 17:02:24 17:02:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Okay. What did your report to them? A. Same concerns I reported to the university's privacy office. Q. And when did you report these concerns to them? A. In December 2012. Q. Okay, so was that before or after you got your non-renewal letter? A. I reported it to Ryan Van Fleet before and he told me to report it to them, which I did, and I don't recall the exact date. It was give or take a day or two. Q. Before or after you got your non-renewal letter? A. Which? The U.S. Department of Health? I don't recall. Q. Okay. A. I reported to the health department before I got my non-renewal letter. Q. Was that the E-mail that I read to you regarding Harper where you were discussing general privacy and security concerns? A. No, it was at our meeting on December 10th when they told me they didn't know where the data was. I	17:02:51 17:02:55 17:02:56 17:02:59 17:03:03 17:03:17 17:03:18 17:03:19 17:03:20 17:03:22 17:03:23 17:03:33 17:03:37 17:03:38 17:03:35 17:03:55 17:03:55 17:03:57 17:04:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	we move on. I had previously shown you your complaint form to the OEO A. Yes. Q dated December 14th, 2012, and I did not have the final report they gave back to you, which we will now mark as Exhibit No. 98. (Whereupon Exhibit 98 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. Yes. Q. It's a very long document. A. Yes, it is. Q. And I will not go through it all, but is this a true and correct copy of the document that you received some time in July of 2013? It is dated July 22nd of 2013. A. I believe so, yes. Q. It is 23 pages long and it was prepared by I believe Brian Nicholls in response to the original complaint that you filed A. Yes. Q in December of 2012, and I'll go to the last page, because it is lengthy, but the point of this

		Page 201			Page 202
17:04:26	1	support your claim of discrimination based on age, sex,	17:07:05	1	you see on that page?
17:04:29	2	religion or disability. They also found that there is no	17:07:06	2	A. Two.
17:04:37	3	cause to support your claim of retaliation, end of quote;	17:07:07	3	Q. Actually, it's just one. It's the Utah
17:04:39	4	is that correct?	17:07:15	4	Protection of Public Employees Act. Do you see that?
17:04:39	5	A. That's what the letter, yes.	17:07:16	5	A. I do.
17:04:41	6	Q. Okay, and my understanding is that you did	17:07:16	6	Q. And how many causes of actions did we just go
17:04:49	7	file an appeal to this and, in fact, all the way to the	17:07:20	7	through on your first amended complaint?
17:04:56	8	President's Office but the president declined to hear	17:07:24	8	A. I don't know, nine, ten.
17:05:00	9	your appeal; is that correct?	17:07:27	9	Q. Twelve.
17:05:01	10	A. Yes.	17:07:30	10	A. Twelve.
17:05:38	11	(Whereupon Exhibit 99 was marked for identification.)	17:07:31	11	Q. So does your notice of claim contain a breach
17:05:38	12	BY MS. DONOSSO:	17:07:40	12	of contract claim?
17:05:54	13	Q. Do you recognize this document, Dr.	17:07:44	13	MS. LEONARD: You can answer.
17:05:57	14	Zimmerman?	17:07:45	14	THE WITNESS: I don't know.
17:06:00	15	A. I'm just looking at it.	17:07:46	15	BY MS. DONOSSO:
17:06:02	16	Q. This is the notice of claim that was provided	17:07:47	16	Q. Well, this one so the Utah Protection of
17:06:09	17	to us by your then attorney, Lisa Peterson, and it's	17:07:49	17	Public Employees Act, that is your first cause of action,
17:06:18	18	dated October 25th of 2013. Have you seen a copy of this	17:07:53	18	that is the whistleblower's claim, so that one is
17:06:22	19	before?	17:07:57	19	contained in your notice of claims. Do you see your
17:06:23	20	A. I may have. I don't recall.	17:07:59	20	second clause of action? Do you see your breach of
17:06:25	21	Q. Okay. I'd like to draw your attention	17:08:02	21	contract claim listed in here?
17:06:37	22	it's very lengthy.	17:08:04	22	A. No.
17:06:38	23	A. Yeah.	17:08:04	23	Q. Do you see your third cause of action, your
17:06:40	24	Q to the last page, which is the statement	17:08:07	24	property interest and violation of Section 1983?
17:06:46	25	of claim, it's JPZ 00021. How many causes of actions do	17:08:10	25	A. No.
		Page 203			Page 204
17:08:10	1	Q. Do you see your fourth cause of action, your	17:09:05	1	Q. Do you see your tenth cause of action, your
17:08:13	2	due process and violation of the Utah Constitution?	17:09:07	2	violation of ADEA?
		4 3 7			
17:08:18	3	A. No.	17:09:10	3	A. No.
	3 4	Q. Do you see your fifth cause of action, your	17:09:10 17:09:10	3 4	A. No.Q. Do you see your eleventh cause of action,
17:08:18					
17:08:18 17:08:19	4	Q. Do you see your fifth cause of action, your	17:09:10	4	Q. Do you see your eleventh cause of action,
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29	4 5	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983?A. No.	17:09:10 17:09:14	4 5	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your
17:08:18 17:08:19 17:08:23 17:08:28	4 5 6	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your 	17:09:10 17:09:14 17:09:20	4 5 6	Q. Do you see your eleventh cause of action,your discrimination based on Title 7 based on religion?A. No.
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:29 17:08:31	4 5 6 7 8 9	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27	4 5 6 7 8 9	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No.
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:29 17:08:31 17:08:33	4 5 6 7 8 9	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? 	17:09:10 17:09:14 17:09:20 17:09:20	4 5 6 7 8 9	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.)
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33	4 5 6 7 8 9 10	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27	4 5 6 7 8 9	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO:
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33	4 5 6 7 8 9 10 11	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24	4 5 6 7 8 9 10	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.)
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33	4 5 6 7 8 9 10 11 12 13	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:24	4 5 6 7 8 9 10 11	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO:
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33 17:08:38 17:08:38	4 5 6 7 8 9 10 11 12 13	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:24	4 5 6 7 8 9 10 11 12	 Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes.
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45	4 5 6 7 8 9 10 11 12 13 14	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No.	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27	4 5 6 7 8 9 10 11 12 13 14	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45 17:08:45	4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27	4 5 6 7 8 9 10 11 12 13 14	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them.
17:08:18 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:33 17:08:45 17:08:45 17:08:47	4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the 	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:28	4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a
17:08:18 17:08:29 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:45 17:08:45 17:08:47 17:08:49	4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution?	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:28 17:10:32	4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is
17:08:18 17:08:29 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45 17:08:47 17:08:49 17:08:50	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No.	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:28 17:10:32 17:10:35	4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45 17:08:45 17:08:49 17:08:50 17:08:51	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:28 17:10:32 17:10:35 17:10:39	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated May 31st of 2009. How often, while you were employed at
17:08:18 17:08:19 17:08:23 17:08:28 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:45 17:08:45 17:08:49 17:08:50 17:08:51 17:08:54	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your violation of ADA?	17:09:10 17:09:14 17:09:20 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:32 17:10:35 17:10:39 17:10:42	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated
17:08:18 17:08:19 17:08:23 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45 17:08:45 17:08:49 17:08:50 17:08:51 17:08:55	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your violation of ADA? A. We were waiting for a right to sue. We need	17:09:10 17:09:14 17:09:20 17:09:21 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:32 17:10:35 17:10:39 17:10:42 17:10:44	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated May 31st of 2009. How often, while you were employed at
17:08:18 17:08:19 17:08:23 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:45 17:08:45 17:08:45 17:08:45 17:08:50 17:08:51 17:08:55 17:08:58	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your violation of ADA? A. We were waiting for a right to sue. We need a right to sue from Phoenix before we could file that.	17:09:10 17:09:14 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:28 17:10:35 17:10:39 17:10:44 17:10:44 17:10:54	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated May 31st of 2009. How often, while you were employed at the University of Utah, did you conduct these HIPAA and
17:08:18 17:08:19 17:08:23 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:43 17:08:45 17:08:45 17:08:47 17:08:49 17:08:50 17:08:51 17:08:55 17:08:58 17:09:02	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your violation of ADA? A. We were waiting for a right to sue. We need a right to sue from Phoenix before we could file that. Q. Okay, but do you see it in here?	17:09:10 17:09:14 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:35 17:10:39 17:10:42 17:10:44 17:10:54 17:10:54 17:11:01	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated May 31st of 2009. How often, while you were employed at the University of Utah, did you conduct these HIPAA and information security trainings?
17:08:18 17:08:19 17:08:23 17:08:29 17:08:29 17:08:31 17:08:33 17:08:33 17:08:33 17:08:45 17:08:45 17:08:47 17:08:49 17:08:50 17:08:51 17:08:55 17:08:58	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you see your fifth cause of action, your depravation of liberty interests and violation of Section 1983? A. No. Q. Do you see your sixth cause of action, your depravation of liberty interest and violation of the Utah Constitution? A. No. Q. Do you see your seventh cause of action, your depravation of First Amendment Rights in violation of Section 1983? A. No. Q. Do you see your eighth cause of action, your depravation of right of free speech and violation of the Utah Constitution? A. No. Q. Do you see your ninth cause of action, your violation of ADA? A. We were waiting for a right to sue. We need a right to sue from Phoenix before we could file that.	17:09:10 17:09:14 17:09:20 17:09:24 17:09:27 17:10:24 17:10:25 17:10:27 17:10:27 17:10:35 17:10:39 17:10:42 17:10:44 17:10:54 17:10:54 17:11:01 17:11:03	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. Do you see your eleventh cause of action, your discrimination based on Title 7 based on religion? A. No. Q. Do you see your twelfth cause of action, your wrongful termination and violation of public policy? A. No. (Whereupon Exhibit 100 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document, Dr. Zimmerman? A. Yes. Q. And it actually has three different certificates, so maybe you want to flip through them. The first one is a HIPAA Basics, the second one is a HIPAA Academic and Research and the third one is Information, Security Advanced. They're all dated May 31st of 2009. How often, while you were employed at the University of Utah, did you conduct these HIPAA and information security trainings? MS. LEONARD: Object to foundation and she

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 53 of 57

		Page 205			Page 206
17:11:08	1	Q. I mean, not conduct. Sorry, I didn't eat	17:21:50	1	Q. Have you ever had any discrimination
17:11:11	2	lunch. How often were you required to attend these HIPAA	17:21:52	2	complaints made against you?
17:11:19	3	research and information security trainings as part of	17:21:53	3	A. Yes.
17:11:23	4	your employment?	17:21:53	4	Q. By whom?
17:11:24	5	A. I don't recall.	17:21:55	5	A. Jerilyn NuNu and an employee at the health
17:11:25	6	Q. Did you attend one in at least the spring of	17:22:02	6	department.
17:11:32	7	2012?	17:22:02	7	Q. Okay, so let's focus on the ones on Jerilyn
17:11:34	8	A. As I recall, they're online.	17:22:08	8	NuNu because those were the ones at the university.
17:11:37	9	Q. Right. That's what others have testified.	17:22:11	9	Okay. This is going to be 101.
17:11:40	10	So would the last one that you attended have been this	17:22:23	10	(Whereupon Exhibit 101 was marked for identification.)
17:11:43	11	one in 2009	17:22:23	11	BY MS. DONOSSO:
17:11:44	12	A. No.	17:22:24	12	Q. What was the nature of Jerilyn NuNu's
17:11:44	13	Q or would there have been others following	17:22:27	13	complaints?
17:11:47	14	this one?	17:22:27	14	A. After she was terminated, she made a
17:11:48	15	A. There would likely be others.	17:22:35	15	complaint with I believe the university OEO and I recall
17:11:50	16	Q. Okay, so it's fair to say that when you	17:22:44	16	it had something to do with she believed she was
17:12:01	17	removed the clinicians notes and the hard drive from the	17:22:51	17	terminated because I discriminated against her. I think
17:12:08	18	university in the spring of 2013, you at least had some	17:23:00	18	it had to do with some gay/lesbian issues and it was
17:12:12	19	basic HIPAA and security information training during your	17:23:07	19	against my religion as a chaplain.
17:12:18	20	tenure at the University of Utah; is that correct?	17:23:10	20	Q. Actually it was because of her sexual
17:12:20	21	A. Yes.	17:23:13	21	orientation and her religion.
17:12:23	22	Q. So let's take a break and then we'll come	17:23:16	22	A. Oh, okay.
17:12:26	23	back and finish up my other exhibits.	17:23:18	23	Q. Do you know what her religion was?
17:18:12	24	(Whereupon a recess was taken.)	17:23:27	24	A. No.
17:18:12	25	BY MS. DONOSSO:	17:23:27	25	Q. Why do you believe she felt that she was
		- 005			
					D 000
17 02 00	1	Page 207	17.05.15	1	Page 208
17:23:29	1	being discriminated against because of her sexual	17:25:15	1	A. I don't know. I never heard back.
17:23:31	2	being discriminated against because of her sexual orientation or religion?	17:25:17	2	A. I don't know. I never heard back. Q. Okay.
17:23:31 17:23:33	2	being discriminated against because of her sexual orientation or religion? A. I don't know.	17:25:17 17:25:22	2	A. I don't know. I never heard back.Q. Okay.A. She was not terminated over the thumb drive.
17:23:31 17:23:33 17:23:34	2 3 4	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her	17:25:17 17:25:22 17:25:34	2 3 4	A. I don't know. I never heard back.Q. Okay.A. She was not terminated over the thumb drive.Q. What was she terminated for?
17:23:31 17:23:33 17:23:34 17:23:42	2 3 4 5	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion?	17:25:17 17:25:22 17:25:34 17:25:37	2 3 4 5	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns.
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45	2 3 4 5 6	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41	2 3 4 5 6	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay.
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48	2 3 4 5 6 7	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16	2 3 4 5 6 7	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.)
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48 17:23:53	2 3 4 5 6 7 8	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion.	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16	2 3 4 5 6 7 8	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO:
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48	2 3 4 5 6 7 8	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16	2 3 4 5 6 7 8	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document?
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02	2 3 4 5 6 7 8 9	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you?	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:16	2 3 4 5 6 7 8 9	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do.
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09	2 3 4 5 6 7 8 9 10	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:16 17:26:17	2 3 4 5 6 7 8 9 10	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is?
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:09	2 3 4 5 6 7 8 9 10	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you?	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:17	2 3 4 5 6 7 8 9 10 11	 A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do.
17:23:31 17:23:33 17:23:34 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18	2 3 4 5 6 7 8 9 10 11	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:19 17:26:20 17:26:22	2 3 4 5 6 7 8 9 10 11 12 13	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum
17:23:31 17:23:33 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19	2 3 4 5 6 7 8 9 10 11 12	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it.	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:19 17:26:20 17:26:22 17:26:31	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system.
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24	2 3 4 5 6 7 8 9 10 11 12 13	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:35 17:26:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just
17:23:31 17:23:33 17:23:42 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner?	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:35 17:26:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct?
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:19 17:26:20 17:26:31 17:26:31 17:26:37 17:26:40	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says.
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:35 17:26:37 17:26:40 17:26:44	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV,
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:35 17:24:41 17:24:42	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport.	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:19 17:26:20 17:26:31 17:26:35 17:26:37 17:26:40 17:26:44 17:26:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:35 17:24:41 17:24:42	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport. Q. So she was the one that was terminated for	17:25:17 17:25:22 17:25:34 17:25:37 17:25:41 17:26:16 17:26:17 17:26:19 17:26:20 17:26:22 17:26:31 17:26:35 17:26:40 17:26:44 17:26:52 17:26:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were terminated from the university. So according to this,
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:18 17:24:24 17:24:24 17:24:41 17:24:41 17:24:42 17:24:42 17:24:52 17:24:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport. Q. So she was the one that was terminated for one of the flash drive issues and performance issues.	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:35 17:26:40 17:26:40 17:26:52 17:26:56 17:27:01	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were terminated from the university. So according to this, you have a bachelor's degree in speech pathology; is that
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:15 17:24:18 17:24:18 17:24:24 17:24:24 17:24:41 17:24:41 17:24:42 17:24:42 17:24:52 17:24:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport. Q. So she was the one that was terminated for one of the flash drive issues and performance issues. She alleges that she did not start having these issues	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:31 17:26:35 17:26:40 17:26:44 17:26:52 17:26:56 17:27:01 17:27:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were terminated from the university. So according to this, you have a bachelor's degree in speech pathology; is that correct?
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:42 17:24:42 17:24:42 17:24:52 17:24:59	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport. Q. So she was the one that was terminated for one of the flash drive issues and performance issues. She alleges that she did not start having these issues until you met her partner at the airport. Were you ever interviewed and had to address that with Krista? A. Yes.	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:22 17:26:31 17:26:35 17:26:40 17:26:44 17:26:52 17:26:56 17:27:01 17:27:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were terminated from the university. So according to this, you have a bachelor's degree in speech pathology; is that correct? A. Yes. Q. You have a Ph.D. in language pathology; is that correct?
17:23:31 17:23:33 17:23:34 17:23:45 17:23:48 17:23:53 17:24:02 17:24:09 17:24:09 17:24:15 17:24:18 17:24:19 17:24:24 17:24:24 17:24:42 17:24:42 17:24:45 17:24:59 17:24:59 17:25:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	being discriminated against because of her sexual orientation or religion? A. I don't know. Q. So you never made any comments regarding her sexual orientation and her religion? A. No. I didn't know what her sexual orientation was. I don't recall. Maybe she did disclose her religion. I don't recall her religion. Q. Okay. Did anybody ever discuss her complaint with you? A. Krista Pickens came to my office and she asked me some questions and that was the last I'd heard of it. Q. Okay. Were you and did you ever meet her partner? A. I believe I met her, I didn't know she was her partner, her friend when she picked her up at the airport. Q. So she was the one that was terminated for one of the flash drive issues and performance issues. She alleges that she did not start having these issues until you met her partner at the airport. Were you ever interviewed and had to address that with Krista?	17:25:17 17:25:22 17:25:34 17:25:41 17:26:16 17:26:16 17:26:19 17:26:20 17:26:31 17:26:35 17:26:37 17:26:44 17:26:56 17:27:06 17:27:06 17:27:06 17:27:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't know. I never heard back. Q. Okay. A. She was not terminated over the thumb drive. Q. What was she terminated for? A. Performance issues and privacy concerns. Q. Okay. (Whereupon Exhibit 102 was marked for identification.) BY MS. DONOSSO: Q. Do you recognize this document? A. I do. Q. Okay. Can you tell me what it is? A. It looks like a printout of my curriculum vitae from the university's MBM system. Q. I recognize that it looks like it was just last dated July of 2012; is that correct? A. Yes, that's what it says. Q. Okay, so it may not be your most recent CV, at least this is what was going on when you were terminated from the university. So according to this, you have a bachelor's degree in speech pathology; is that correct? A. Yes. Q. You have a Ph.D. in language pathology; is

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 54 of 57

	Page 209			Page 210
17:27:14 1	Q. Okay, and you were employed by the Department	17:28:53	1	Q. As well as on Page 4, and then I'd like to
17:27:22 2	of Health from 1996 to 2005 and then by the University of	17:29:05		draw your attention to Pages 5 and 6, so this is where it
17:27:28 3	Utah from 2005 through June of 2013 but obviously that's	17:29:10		lists your various peer review journal articles?
17:27:36 4	not here, but would that be an accurate representation of	17:29:15	4	A. Yes.
17:27:41 5	your work history?	17:29:15	5	Q. So you previously testified that one of your
17:27:42 6	A. So tell me so say that again.	17:29:18		articles was I guess recalled or rescinded due to bad
17:27:44 7	Q. So according to this, it says you were at the	17:29:22	7	information. Which one is that one in here? Which
17:27:48 8	Department of Health from 1996 through 2005 and then you	17:29:25		number is that? It was one from 2011 you said?
17:27:54 9	were at the University of Utah from 2005 and then here it	17:29:39	9	A. It's No. 9.
17:27:59 10	says through the present but obviously we know that you		10	Q. Okay, so No. 9, okay. So in total, you have
17:28:02 11	were employed through June of 2013 at the University of		11	11 publications instead of 12; is that correct?
17:28:06 12	Utah; is that correct?		12	A. Yes.
17:28:06 13	A. It says I was employed from the health		13	Q. But prior to coming to the University of
17:28:09 14	department from 1978 to 2005.			Utah, you only had two peer review journals. I'm going
17:28:11 15	Q. Okay. Thank you, so 1978 to 2005. Thank		15	to go by the numbers. One and two; is that correct?
17:28:16 16	you. During that time, you also had various other		16	A. And three.
17:28:21 17	positions, for example, you're an instructor and a		17	Q. Well
17:28:25 18	clinical supervisor and research assistant at other		18	A. Excuse me, you're right, one and two.
17:28:29 19	various places, including being a chaplain at St. Mark		19	Q. So approximately about 70 percent of your
17:28:33 20	and Jordan Valley in 2008 and 2009; correct?			publications happened while you were employed at the
17:28:39 21	A. Yes.	17:30:23		University of Utah?
17:28:39 22	Q. And then on Page 3 it lists some of the		22	A. Yes.
17:28:48 23	various grants that you've been involved in throughout		23	Q. Okay, and actually let's see, at least
17:28:51 24	the years?			four out of the four out of the ten, so almost like
17:28:53 25	A. Yes.		24 25	60 percent of those. Four out of the seven that you
17.20.33 23	A. 165.	17.30.30	2.3	oo percent of those. Four out of the seven that you
	Page 211			Page 212
17:31:05 1	11:1 1 d Yr : C CYT 11 11 :			
	nublished at the University of Utah hannened during	17:33:25	1	retracted
17:31:08 2	published at the University of Utah happened during Amanda Bakian's tenure or after 2010	17:33:25 17:33:27		retracted. O I thought nine was the one that was
17:31:08 2 17:31:14 3	Amanda Bakian's tenure or after 2010.	17:33:27	2	Q. I thought nine was the one that was
17:31:14 3	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these	17:33:27 17:33:29	2 3	Q. I thought nine was the one that was retracted.
17:31:14 3 17:31:19 4	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was	17:33:27 17:33:29 17:33:29	2 3 4	Q. I thought nine was the one that was retracted.A. Excuse me, nine is retracted, and she was
17:31:14 3 17:31:19 4 17:31:24 5	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so.	17:33:27 17:33:29 17:33:29 17:33:33	2 3 4 5	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43	2 3 4 5	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48	2 3 4 5 6 7	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine?
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43	2 3 4 5 6 7 8	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6,	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52	2 3 4 5 6 7 8	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:33:57	2 3 4 5 6 7 8 9	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:33:57 17:34:02 1	2 3 4 5 6 7 8 9	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:33:57 17:34:02 1	2 3 4 5 6 7 8 9	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:35 8 17:31:35 8 17:31:35 10 17:31:55 11 17:31:58 12	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless,	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 1 17:34:04 1 17:34:08 1	2 3 4 5 6 7 8 9 10 11 12	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:15	2 3 4 5 6 7 8 9 10 11 12	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:35 8 17:31:35 8 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless,	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:37	2 3 4 5 6 7 8 9 10 11 11 12 13 14	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:52 17:33:57 17:34:02 1 17:34:04 1 17:34:05 1 17:34:15 1 17:34:37 1 17:34:42 1	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:39 16	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:05 17:34:37 17:34:37 17:34:42 17:34:53 17:34:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:39 16 17:32:41 17	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:37 17:34:37 17:34:42 17:34:53 17:35:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:34 17 17:32:46 18	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health? A. Yes.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:37 17:34:42 17:34:53 17:35:39 17:35:44	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:34 17 17:32:46 18 17:32:48 19	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health?	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:37 17:34:42 17:34:53 17:34:53 17:35:44 17:35:47	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly consult with my co-counsel then.
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:46 18 17:32:48 19 17:32:49 20	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health? A. Yes. Q. A lot of these involved having as a coauthor either Bilder or Bakian?	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:05 17:34:15 17:34:37 17:34:42 17:34:53 17:35:49 17:35:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly consult with my co-counsel then. (Whereupon a recess was taken.)
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:41 17 17:32:46 18 17:32:48 19 17:32:49 20 17:32:54 21	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health? A. Yes. Q. A lot of these involved having as a coauthor	17:33:27 17:33:29 17:33:29 17:33:33 17:33:43 17:33:48 17:33:52 17:34:02 17:34:04 17:34:08 17:34:15 17:34:37 17:34:42 17:34:53 17:35:49 17:35:49 17:35:49 17:35:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly consult with my co-counsel then. (Whereupon a recess was taken.) BY MS. DONOSSO:
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:34 17 17:32:46 18 17:32:48 19 17:32:49 20 17:32:54 21 17:32:55 22	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health? A. Yes. Q. A lot of these involved having as a coauthor either Bilder or Bakian? A. Let's see, the one that was retracted was a Bakian article. Satterfeild did most of the work on 10.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:48 17:33:52 17:33:57 17:34:02 17:34:08 17:34:15 17:34:37 17:34:42 17:34:53 17:35:44 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22 23	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly consult with my co-counsel then. (Whereupon a recess was taken.)
17:31:14 3 17:31:19 4 17:31:24 5 17:31:30 6 17:31:33 7 17:31:35 8 17:31:37 9 17:31:50 10 17:31:55 11 17:31:58 12 17:31:59 13 17:32:30 14 17:32:34 15 17:32:34 15 17:32:34 17 17:32:46 18 17:32:48 19 17:32:49 20 17:32:54 21 17:32:55 22 17:33:01 23	Amanda Bakian's tenure or after 2010. A. So so just let me clarify, most of these studies were published using data I collected while I was an employee at the health department, so. Q. But you were an employee of the health department until 2005. A. And they allowed me to take the data with me to the university, which I used to publish No. 4, 5, 6, 7, 8, 9. Q. So you were using the health department's A. Ten. Q. Right, okay, I got 10. But, nevertheless, you published all of these while you were an employee of the University of Utah, a vast majority of these? A. Of the articles, yes. Q. And even the ones that you just named off that used the data of the Department of Health? A. Yes. Q. A lot of these involved having as a coauthor either Bilder or Bakian? A. Let's see, the one that was retracted was a Bakian article. Satterfeild did most of the work on 10.	17:33:27 17:33:29 17:33:29 17:33:33 17:33:48 17:33:52 17:33:57 17:34:02 17:34:08 17:34:15 17:34:37 17:34:42 17:34:53 17:35:44 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49 17:35:49	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 22 23 24	Q. I thought nine was the one that was retracted. A. Excuse me, nine is retracted, and she was listed on ten, but that was mostly from the work of Satterfield, not Bakian. Q. But Satterfield is listed on ten, not nine? A. So Satterfield is listed on so Bakian did the epidemiology support for nine, which was retracted. Q. Retracted. A. Ten, Satterfield did the majority of the work, and on No. 6, Satterfield did the majority of the work but was not credited. So the only one, unless I'm missing something, that Bakian was on is No. 10 and she did not do most of the work. Q. Okay. I think I'm done for now because I want to reserve some of my time for follow-up questions. MS. LEONARD: I don't have any questions. MS. DONOSSO: Oh, okay. Let me quickly consult with my co-counsel then. (Whereupon a recess was taken.) BY MS. DONOSSO: Q. Do you recall when you spoke with Mr. Sperry

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 55 of 57

		Page 213		Page 214
17:46:54	1	Q. Do you remember approximately a month?	17:48:12 1	archived E-mails from the university and have not gotten
17:46:57	2	A. I don't.	17:48:16 2	them and they are on my archived E-mails that I was
17:46:58	3	Q. Okay, and what concerns did you share with	17:48:20 3	not that I didn't have access to.
17:47:02	4	him at that time?	17:48:23 4	Q. All right. Do you recall when you talked to
17:47:03	5	A. Just the general atmosphere of the department	17:48:29 5	Dr. Parks for the first time?
17:47:15	6	and my concerns about the chairman taking credit for my	17:48:31 6	A. For sure in 2011, and I may have talked to
17:47:24	7	work.	17:48:41 7	him once before that but I don't recall. There, again,
17:47:24	8	Q. Did you speak with him over the phone? In	17:48:44 8	my E-mails would be so there should be E-mails. They
17:47:28	9	person?	17:48:49 9	should have E-mails. We haven't gotten those either.
17:47:29	10	A. I met with him in person two or three times.	17:48:52 10	Q. And what concerns did you share with him?
17:47:32	11	Q. During the same month or over the same year?	17:48:55 11	A. The first time was that I shared with him the
17:47:37	12	A. No, over a two-year period.	17:49:01 12	situation in the department. I shared with him concerns
17:47:39	13	Q. Starting sometime in 2010?	17:49:13 13	that other faculty had shared with me about McMahon and I
17:47:41	14	A. As I recall.	17:49:21 14	asked him IRB questions. The second time I met with
17:47:42	15	Q. Did you ever document your conversations in	17:49:27 15	the second or third time I met with him, I shared with
17:47:45	16	writing?	17:49:32 16	him my concerns that a study that I had originated in
17:47:46	17	A. With him?	17:49:39 17	2007 and my grant activities were being turned over to
17:47:47	18	Q. Yes.	17:49:45 18	younger female faculty and and I shared concerns about
17:47:48	19	A. It would be my E-mails and he did tell me	17:49:59 19	privacy as well that basically I had funded, helped given
17:47:51	20	that he would help me file a discrimination no, an	17:50:10 20	all the data to an individual who then took the research
17:47:57	21	ethics complaint, but when I went to go back, he had	17:50:15 21	to another, to a different research group, and he said
17:48:01	22	abruptly left the university.	17:50:22 22	he'd never heard of that before.
17:48:04	23	Q. Do you have copies of these E-mails that you	17:50:24 23	Q. Did you speak with him over the phone? In
	24	sent to him?	17:50:29 24	person?
17:48:09	25	A. I'll have to look but we've asked for	17:50:29 25	A. In person.
				Dama 216
15 50 00		Page 215		Page 216
17:50:30	1	Q. At his office? Your office?	17:51:51 1	THE WITNESS: I filed a written E-mail to
17:50:32	2	Q. At his office? Your office? A. Yes.	17:51:53 2	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding
17:50:32 17:50:34	2	Q. At his office? Your office?A. Yes.Q. Did you document any of these conversations	17:51:53 2 17:51:59 3	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals.
17:50:32 17:50:34 17:50:37	2 3 4	Q. At his office? Your office?A. Yes.Q. Did you document any of these conversations in writing?	17:51:53 2 17:51:59 3 17:52:01 4	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official
17:50:32 17:50:34 17:50:37 17:50:38	2 3 4 5	 Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I 	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks?
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43	2 3 4 5 6	 Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was 	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43	2 3 4 5 6 7	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43 17:50:48 17:50:57	2 3 4 5 6 7 8	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations.
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43	2 3 4 5 6 7 8	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well.	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO:
17:50:32 17:50:34 17:50:37 17:50:43 17:50:43 17:50:48 17:50:57 17:51:02	2 3 4 5 6 7 8 9	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05	2 3 4 5 6 7 8 9 10	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43 17:50:57 17:51:02 17:51:05 17:51:09	2 3 4 5 6 7 8 9 10 11	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:09 17:51:15	2 3 4 5 6 7 8 9 10 11 12 13	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I
17:50:32 17:50:34 17:50:37 17:50:38 17:50:43 17:50:57 17:51:02 17:51:05 17:51:09 17:51:15 17:51:18	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice?	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:35 13	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks?
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19	2 3 4 5 6 7 8 9 10 11 12 13 14	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me.	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:35 13 17:52:37 14	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:33 13 17:52:37 14 17:52:40 15	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:29 17:51:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't?	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:33 13 17:52:37 14 17:52:40 15 17:52:43 16	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms.
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:29 17:51:32 17:51:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:37 14 17:52:40 15 17:52:43 16 17:52:47 17	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no?
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:19 17:51:19 17:51:29 17:51:32 17:51:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:35 13 17:52:37 14 17:52:40 15 17:52:40 15 17:52:47 17 17:52:49 18	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:29 17:51:32 17:51:34 17:51:37	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them and they knew of other complaints.	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:33 13 17:52:37 14 17:52:40 15 17:52:41 16 17:52:41 17 17:52:41 18 17:52:49 18 17:52:53 19	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed complaints.
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:29 17:51:32 17:51:32 17:51:34 17:51:37 17:51:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them and they knew of other complaints. MR. ROBINSON: But you didn't file a written	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:37 14 17:52:40 15 17:52:40 15 17:52:47 17 17:52:49 18 17:52:53 19 17:52:53 20	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed complaints. MR. ROBINSON: In writing?
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:32 17:51:32 17:51:32 17:51:34 17:51:37 17:51:39 17:51:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them and they knew of other complaints. MR. ROBINSON: But you didn't file a written complaint?	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:37 14 17:52:40 15 17:52:41 15 17:52:42 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:53 19 17:52:53 20 17:52:53 20	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed complaints. MR. ROBINSON: In writing? BY MS. DONOSSO:
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:02 17:51:05 17:51:15 17:51:18 17:51:19 17:51:32 17:51:32 17:51:34 17:51:37 17:51:39 17:51:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them and they knew of other complaints. MR. ROBINSON: But you didn't file a written complaint? THE WITNESS: Other than Sperry offered to help me do that. MR. ROBINSON: But you didn't file a written	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:25 10 17:52:27 11 17:52:32 12 17:52:37 14 17:52:40 15 17:52:41 15 17:52:42 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:53 19 17:52:53 20 17:52:53 20 17:52:55 22	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed complaints. MR. ROBINSON: In writing? BY MS. DONOSSO: Q. In writing? Did you give them something in writing, like here's my complaint, here's my history? A. Yes.
17:50:32 17:50:34 17:50:38 17:50:43 17:50:48 17:50:57 17:51:05 17:51:05 17:51:15 17:51:18 17:51:19 17:51:32 17:51:32 17:51:34 17:51:39 17:51:41 17:51:41	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Q. At his office? Your office? A. Yes. Q. Did you document any of these conversations in writing? A. I did, just that I met with him and then I documented so one of my approvals for a study that was in progress was being held up until I put McMahon's friend on the study and I documented that and I sent those concerns to Dr. Parks as well. Q. Did you ever officially file any complaints with either Dr. Sperry or Dr. Parks or were these just E-mails where you were expressing your concerns and asking for advice? A. I never got a sense that they would help me. MR. ROBINSON: So the answer is, no, you didn't? THE WITNESS: I believe my complaints were official by meeting with them and telling them of them and they knew of other complaints. MR. ROBINSON: But you didn't file a written complaint? THE WITNESS: Other than Sperry offered to help me do that.	17:51:53 2 17:51:59 3 17:52:01 4 17:52:03 5 17:52:05 6 17:52:06 7 17:52:15 8 17:52:15 9 17:52:27 11 17:52:32 12 17:52:37 14 17:52:40 15 17:52:41 15 17:52:41 17 17:52:42 18 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:43 16 17:52:53 19 17:52:53 20 17:52:53 20 17:52:53 21	THE WITNESS: I filed a written E-mail to Botkin. I filed a complaint to Parks about withholding my approvals. MR. ROBINSON: Did you file an official complaint with Parks? THE WITNESS: I don't know what the official complaint process is. I don't know what I was told I couldn't. I couldn't appeal any performance evaluations. BY MS. DONOSSO: Q. So other than meeting with him and asking for advice, you never actually filed any form of formal complaint with either Dr. Sperry or with Dr. Parks? A. I thought my complaints were formal, that I went in and I met with them and I told them what was going on and that was official. They never asked me to fill out any paperwork or forms. Q. So would your answer be yes or no? A. No. No. Yes, I filed. I believe I filed complaints. MR. ROBINSON: In writing? BY MS. DONOSSO: Q. In writing? Did you give them something in writing, like here's my complaint, here's my history?

		Page 217			Page 218
17:53:02	1	A. I gave them E-mails. I gave Botkin E-mails.	17:54:08	1	MR. ROBINSON: In which you expressed
17:53:08	2	MR. ROBINSON: We're not talking about	17:54:10	2	concerns?
17:53:08	3	Botkin.	17:54:10	3	BY MS. DONOSSO:
17:53:08	4	BY MS. DONOSSO:	17:54:11	4	Q. Regarding Dr. McMahon.
17:53:09	5	Q. We're not talking about Botkin. We've gone	17:54:12	5	A. Yeah, I met with Sperry before.
17:53:10	6	over the written information for Botkin. But during this	17:54:15	6	Q. Other than Sperry and Parks, prior to April
17:53:14	7	timeframe in 2010 and 2011 with Drs. Sperry and Parks,	17:54:19	7	of 2011, did you meet with anybody else where you
17:53:18	8	you were meeting with them and sharing with them your	17:54:22	8	expressed concerns?
17:53:21	9	concerns. Did you actually give them	17:54:23	9	A. At the university?
17:53:23	10	A. I'd have to look at the E-mails.	17:54:24	10	Q. At the university where you expressed
17:53:25	11	Q a formal complaint?	17:54:26	11	concerns regarding Dr. McMahon.
17:53:25	12	A. I don't know how you define formal complaint.	17:54:28	12	A. I met with my mentor.
17:53:27	13	I met with them. I told them my concerns. I documented	17:54:40	13	MR. ROBINSON: Who was?
17:53:31	14	that I met with them. I documented the issues.	17:54:42	14	THE WITNESS: Macintosh.
17:53:34	15	MR. ROBINSON: Let's try it this way: Did	17:54:42	15	BY MS. DONOSSO:
17:53:37	16	you give them anything in writing other than E-mails?	17:54:45	16	Q. What concerns did you express to him?
17:53:41	17	THE WITNESS: I was not asked to.	17:54:48	17	A. The same ones that everybody knew about in
17:53:44	18	MR. ROBINSON: So the answer is?	17:54:53	18	the department.
17:53:46	19	THE WITNESS: No.	17:54:55	19	Q. And did you give him anything in writing that
17:53:48	20	MR. ROBINSON: Okay.	17:55:00	20	he could use that could be viewed as a formal complaint?
17:53:48	21	BY MS. DONOSSO:	17:55:04	21	A. He would not he did not he saw that he
17:53:52	22	Q. Other than Dr. Sperry and Dr. Parks, did you	17:55:09	22	was powerless and couldn't help me.
17:53:57	23	meet with anybody else prior to your meeting with Jeff	17:55:11	23	Q. So would that be yes or no?
17:54:06	24	Botkin in April of 2011?	17:55:13	24	A. So the question is did I give
17:54:08	25	A. Yes.	17:55:18	25	Q. Dr. Macintosh any type of like written
		Page 219			Page 220
17:55:24	1	summary, formal complaint regarding McMahon.	17:56:36	1	Page 220 2011?
17:55:24 17:55:26	1 2	-	17:56:36 17:56:38	1 2	2011? A. I don't recall. I was trying to leave. I
		summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about.	17:56:38 17:56:41		2011? A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to
17:55:26 17:55:30 17:55:33	2	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a	17:56:38 17:56:41 17:56:44	2 3 4	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department.
17:55:26 17:55:30 17:55:33 17:55:34	2	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint?	17:56:38 17:56:41 17:56:44 17:56:45	2 3 4 5	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of
17:55:26 17:55:30 17:55:33	2 3 4 5	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49	2 3 4 5 6	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li?
17:55:26 17:55:30 17:55:33 17:55:34 17:55:36	2 3 4 5 6 7	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49 17:56:53	2 3 4 5 6 7	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with
17:55:26 17:55:30 17:55:33 17:55:34 17:55:36 17:55:42 17:55:44	2 3 4 5 6 7 8	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that,	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49 17:56:53 17:56:55	2 3 4 5 6 7 8	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46	2 3 4 5 6 7 8 9	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me.	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49 17:56:53 17:56:55 17:56:58	2 3 4 5 6 7 8	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47	2 3 4 5 6 7 8 9	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49 17:56:53 17:56:55 17:56:58	2 3 4 5 6 7 8 9	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university.
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47 17:55:51	2 3 4 5 6 7 8 9 10	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails?	17:56:38 17:56:41 17:56:44 17:56:45 17:56:49 17:56:53 17:56:55 17:56:58 17:56:59 17:57:00	2 3 4 5 6 7 8 9 10	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah.
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53	2 3 4 5 6 7 8 9 10 11	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin.	17:56:38 17:56:41 17:56:44 17:56:45 17:56:53 17:56:55 17:56:58 17:56:59 17:57:00	2 3 4 5 6 7 8 9 10 11	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO:
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54	2 3 4 5 6 7 8 9 10 11 12 13	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh.	17:56:38 17:56:41 17:56:44 17:56:45 17:56:53 17:56:55 17:56:58 17:56:59 17:57:00 17:57:00	2 3 4 5 6 7 8 9 10 11 12 13	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall?
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47 17:55:51 17:55:53 17:55:54	2 3 4 5 6 7 8 9 10 11 12 13	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO:	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now.
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47 17:55:51 17:55:53 17:55:54 17:55:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh.	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:06	2 3 4 5 6 7 8 9 10 11 12 13 14	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or
17:55:26 17:55:30 17:55:34 17:55:36 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:56	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails.	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:06 17:57:06	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon?
17:55:26 17:55:30 17:55:34 17:55:36 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:56 17:55:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks	17:56:38 17:56:41 17:56:45 17:56:49 17:56:53 17:56:55 17:56:59 17:57:00 17:57:00 17:57:01 17:57:06 17:57:06 17:57:11	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the
17:55:26 17:55:30 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47 17:55:51 17:55:54 17:55:54 17:55:55 17:55:56 17:55:57 17:56:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to
17:55:26 17:55:30 17:55:34 17:55:42 17:55:44 17:55:46 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:56 17:55:57 17:56:02 17:56:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon?	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:55 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:11 17:57:18 17:57:21	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried
17:55:26 17:55:30 17:55:34 17:55:36 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:54 17:55:55 17:55:56 17:55:57 17:56:02 17:56:08 17:56:12	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:11 17:57:11 17:57:18 17:57:21 17:57:27	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do.
17:55:26 17:55:30 17:55:34 17:55:36 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:54 17:55:55 17:55:57 17:56:02 17:56:12 17:56:18	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another department chairman, Ed Clark.	17:56:38 17:56:41 17:56:45 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:18 17:57:21 17:57:27 17:57:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do. Q. So you never gave him any written complaint
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:55 17:55:57 17:56:02 17:56:12 17:56:18 17:56:26	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another department chairman, Ed Clark. Q. And when did you meet with Ed Clark?	17:56:38 17:56:41 17:56:44 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:18 17:57:21 17:57:29 17:57:32	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do. Q. So you never gave him any written complaint or report either?
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:55 17:55:56 17:55:57 17:56:02 17:56:12 17:56:18 17:56:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another department chairman, Ed Clark. Q. And when did you meet with Ed Clark? A. I met with him on several occasions and I'd	17:56:38 17:56:41 17:56:44 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:18 17:57:21 17:57:21 17:57:29 17:57:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do. Q. So you never gave him any written complaint or report either? A. He did not see it as his responsibility. He
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:46 17:55:51 17:55:53 17:55:54 17:55:55 17:55:55 17:55:56 17:55:57 17:56:02 17:56:12 17:56:26 17:56:29 17:56:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another department chairman, Ed Clark. Q. And when did you meet with Ed Clark? A. I met with him on several occasions and I'd have to check my E-mails.	17:56:38 17:56:41 17:56:44 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:21 17:57:21 17:57:21 17:57:23 17:57:34 17:57:38	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do. Q. So you never gave him any written complaint or report either? A. He did not see it as his responsibility. He had no authority.
17:55:26 17:55:30 17:55:33 17:55:34 17:55:42 17:55:44 17:55:47 17:55:51 17:55:53 17:55:54 17:55:55 17:55:55 17:55:56 17:55:57 17:56:02 17:56:12 17:56:18 17:56:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	summary, formal complaint regarding McMahon. A. I sent him E-mails outlining the concerns I wanted to talk to him about. Q. Those were concerns. Did you give him a formal complaint? A. In terms of semantics, to me writing down a summary of my complaints is a formal complaint. Whether they had a formal complaint process separate from that, no one told me. MR. ROBINSON: So did you file anything in writing other than E-mails? THE WITNESS: To Botkin. MR. ROBINSON: No, to Dr. Macintosh. BY MS. DONOSSO: Q. No, to Dr. Macintosh. A. Just E-mails. Q. Okay, so other than Dr. Sperry and Dr. Parks and Dr. Macintosh, did you meet with anybody, prior to April of 2011, regarding concerns about Dr. McMahon? A. I believe I may have met with another department chairman, Ed Clark. Q. And when did you meet with Ed Clark? A. I met with him on several occasions and I'd	17:56:38 17:56:41 17:56:44 17:56:49 17:56:55 17:56:58 17:56:59 17:57:00 17:57:01 17:57:04 17:57:11 17:57:13 17:57:18 17:57:21 17:57:21 17:57:29 17:57:34	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. I don't recall. I was trying to leave. I was trying to get out of the department. I wanted to move to a different department. Q. So would it have been during the summer of 2012 when you were already meeting with Dean Li? A. No, it was before that and I also met with the health department. I met with MR. ROBINSON: We're talking about the university. THE WITNESS: Yeah. BY MS. DONOSSO: Q. Okay. Anybody else that you recall? A. Not that I recall right now. Q. Did you make any sort of written reports or complaints to Ed Clark regarding Dr. McMahon? A. Ed Clark indicated that no one at the university would help me and that he had advised me to get as far away from McMahon as possible, which I tried to do. Q. So you never gave him any written complaint or report either? A. He did not see it as his responsibility. He

Case 2:13-cv-01131-JNP-BCW Document 53-4 Filed 01/04/16 Page 57 of 57

		Page 221			Page 222
		-			_
17:57:43	1	THE WITNESS: He was not the person to file a	17:59:07	1	MR. ROBINSON: And that's prior to April of
17:57:47	2	written complaint with, so, no.	17:59:09	2	2011.
17:57:49	3	MR. ROBINSON: Very good.	17:59:11	3	THE WITNESS: It was when when I started
17:57:51	4	BY MS. DONOSSO:	17:59:14	4	my executive coaching, so it would have been
17:57:52	5	Q. Okay. Anybody else that you would have	17:59:17	5	MR. ROBINSON: So after June
17:57:55	6	talked to?	17:59:19	6	THE WITNESS: After my performance review
17:57:55	7	A. I talked to other faculty about my concerns	17:59:22	7	MR. ROBINSON: After June
17:58:02	8	and they shared their experiences, but there again, they	17:59:22	8	MS. LEONARD: Will you let her finish?
17:58:10	9	had no authority to do anything.	17:59:23	9	MR. ROBINSON: Sorry.
17:58:14	10	Q. Okay.	17:59:23	10	BY MS. DONOSSO:
17:58:15	11	A. And they had shared their concerns with	17:59:24	11	Q. So this would have been after June of 2011
17:58:18	12	management as well.	17:59:26	12	when you had your outline of expectations meeting?
	13	Q. Okay, so Botkin, OEO, privacy, IRB, Sperry,	17:59:30	13	A. Yes.
17:58:31		Parks.	17:59:30	14	Q. Okay. Anybody else that you can recall?
17:58:37		A. My mentor, I shared my concerns with my	17:59:40	15	A. Not right off.
17:58:39	16	mentor.	17:59:43	16	Q. Okay.
17:58:40	17	Q. Macintosh.	17:59:49	17	MS. LEONARD: Okay.
17:58:42	18	MR. ROBINSON: Macintosh.	17:59:50	18	MS. DONOSSO: Okay.
17:58:43	19	THE WITNESS: Oh, excuse me, my coach, my	17:59:51	19	MS. LEONARD: We're done.
17:58:45	20	executive coach was a vice president of HR.		20	(Whereupon the deposition concluded at 5:59 p.m.)
17:58:45	21	BY MS. DONOSSO:		21	
17:58:50	22	Q. Okay. What was his or her name?		22	
17:58:51	23	A. Marry Ann Beazin.		23	
17:58:59	24	MR. ROBINSON: Spell that.		24	
17:59:00	25	THE WITNESS: I think B-e-a-z-i-n.		25	
		Page 223			Page 224
	1	Page 223		1	Page 224
	1	Page 223 Case: Zimmerman V University of Utah Case No.: 2:13cv1131		1 2	Page 224 STATE OF UTAH)
	1 2	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015		2	_
	2	Case: Zimmerman V University of Utah Case No.: 2:13cv1131		2	STATE OF UTAH) COUNTY OF UTAH)
	2	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015		2 3 4 5	STATE OF UTAH)
	2	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE		2 3 4	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter,
	2	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah Ss.		2 3 4 5	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place
	2 3 4 5	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah)		2 3 4 5	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken
	2 3 4 5	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the		2 3 4 5 6	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all
	2 3 4 5	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I		2 3 4 5 6 7	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and
	2 3 4 5	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript		2 3 4 5 6 7 8 9	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that
	2 3 4 5 6 7 8	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah) ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony.		2 3 4 5 6 7 8 9 10	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and
	2 3 4 5 6	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript		2 3 4 5 6 7 8 9	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken.
	2 3 4 5 6 7 8 9 10 11	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah SS. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise
	2 3 4 5 6 7 8 9	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10 11 12	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or
	2 3 4 5 6 7 8 9 10 11 12 13 14	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah SS. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10 11 12 13 14	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my
	2 3 4 5 6 7 8 9 10 11 12 13	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah) ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10 11 12	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	STATE OF UTAH) COUNTY OF UTAH) I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my
	2 3 4 5 6 7 8 9 10 11 12 13 11 14 15 16	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17 18 19 20	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah SS. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON		2 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah Ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON No corrections were made.		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 11 12 13 14 15 16 17 18 19 20	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah Ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON No corrections were made.		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah Ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON No corrections were made. JUDY ZIMMERMAN SUBSCRIBED and SWORN to before me on thisday of		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah) ss. County of Salt Lake) I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON No corrections were made. JUDY ZIMMERMAN SUBSCRIBED and SWORN to before me on thisday of, 2015.		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Case: Zimmerman V University of Utah Case No.: 2:13cv1131 Deposition Date: September 16, 2015 Reporter: Donna Ward, RPR, CSR WITNESS CERTIFICATE State of Utah Ss. County of Salt Lake I, JUDY ZIMMERMAN, HEREBY DECLARE: That I am the witness referred to in the foregoing testimony; that I have read the transcript and know the contents thereof; that with these corrections I have noted this transcript truly and accurately reflects my testimony. PAGE-LINE CHANGE/CORRECTION REASON No corrections were made. JUDY ZIMMERMAN SUBSCRIBED and SWORN to before me on thisday of		2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	STATE OF UTAH COUNTY OF UTAH I, DONNA M. WARD, a Certified Shorthand Reporter, Registered Professional Reporter, certify: That the deposition of JUDY ZIMMERMAN was taken before me pursuant to Notice at the time and place therein set forth, at which time the witness was by me duly sworn to testify the truth. That the testimony of the witness and all objections made and all proceedings had at the time of the examination were recorded stenographically by me and were thereafter transcribed. And I hereby certify that the foregoing deposition transcript is a full, true, and correct record of my stenographic notes so taken. I further certify that I am neither counsel for or related to any party to said action nor in anywise interested in the outcome thereof. IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal this 16th day of September, 2015.